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T H E H A N D B O O K S E R I E S

SERIES III

VOLUME 6



SELECTED ARTICLES ON

CENSORSHIP OF THE THEATER
AND MOVING PICTURES

COMPILED BY
LAMAR T. BEMAN, A.M., LL.B.
Cleveland, Ohio



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PREFACE

This book follows and is the companion volume to the Handbook, *Censorship of Speech and the Press*. That dealt with censorship or other limitations upon the freedom of speech and upon the publication of newspapers, magazines, and books of fiction. This covers the proposed censorship of the moving pictures and the theater.

While the theater is of ancient origin, the moving pictures are a new form of entertainment, being only about thirty years old, and yet they have grown to be a giant industry, said to be now the fourth largest industry in this country and to be making 85 per cent of the world's films. They involve the investment of billions of dollars and give employment to thousands of people. Every village has its moving picture house, while many of our larger cities have scores of them. There are moving picture theaters for all classes and at all prices; some of them in palatial buildings. In the United States alone millions of people see the moving pictures every day, while in the other countries of the world millions more are seeing American films. The moving picture is now unquestionably the world's largest form of commercialized entertainment.

For several years some of the critics have feared that the legitimate drama can hardly survive permanently the severe competition of the moving pictures. In the summer of 1930 the newspapers reported that only twenty-six plays and musical comedies were on the stage in the whole United States. Not only do the moving pictures compete directly with the drama in entertainment, but they are also in competition with the novel in fiction, with the newspapers and the magazines in the fields of news and art, and with books and lectures in the field of instruction. They have been extensively used

for advertising and propaganda purposes. Business has found that the moving pictures are the quickest and most effective way to teach employes technical manipulation. The government has made extensive use of them, especially during the war. Even the churches have found it helpful to use moving pictures in the cause of religion. Only the conservatism of educators prevents the schools and colleges from making full use of the most powerful teaching device civilization has produced since the invention of the printing press.

The effects and influences of the moving pictures are great and far-reaching. Some people fear that the Hollywood state of mind is now entirely too common, and that the moving pictures are changing our national character. Many judges, social workers, teachers, and clergymen frequently call attention to what seems to them to be a direct connection between the moving pictures and child crime. Psychologists tell us why children and adults of limited intelligence may be tempted to imitation by the glamor of a criminal act in the pictures and lack of self-restraint or the ability to see the consequences of crime in real life. Some think that manners are being vitiated by the burlesque comedy and the coarse language and actions with which the moving pictures are continually deluging the impressionable youth and the untutored minds of the country. Others see as great dangers to normal adults in the constant production of criminal themes, the visualization of vamping and attempted seduction, and the amount of sex smut and love slop in a majority of the moving pictures. Many fear that the continual presentation to so many millions of our people of pictures of the type that are now being shown will prove to be a force tending to disrupt the bonds of society and to destroy our highest and purest ideals. They point to the facts that while the moving pictures have been constantly improved in their mechanical and technical phases the quality and the purity of the pictures shown have undergone no such improvement, and that practical-

ly all of the other civilized nations of the world have adopted some form of censorship for their moving pictures, many of which are the very same films that are being shown in this country.

The opposite conclusion is expressed by many other people, some of whom are recognized authorities in their own field of work. George W. Kirchwey, one of the leading American criminologists, has said: "The official record, covering the eighteen years from 1910 to 1927, inclusive, shows a marked decrease of from 35 to 40 per cent in the general crime rate in the United States, and this notwithstanding the immense number of new crimes resulting from liquor, drug, and traffic laws enacted since 1910." The opponents of censorship and regulation conclude that under these conditions it is impossible that the moving picture should have been a cause of crime. Ben B. Lindsey, who was for many years the judge of the juvenile court in Denver, has said, "I am here to say, after talking it over with court officers, who have worked with me for years, that we have yet to find one case of crime among youth that could fairly be traced just to the movies. I do not recall more than two or three cases in my experience of over a quarter of a century on the bench, where there was even reasonable ground to believe that the cause of crime was due just to what the offender had seen in the movies." Tho the judge does not deny that the moving pictures may be a contributing cause, one of several causes, yet his statement is a remarkably strong one, and it comes from one who has had unusual opportunity to study and observe juvenile delinquency.

The producers, distributors, and exhibitors have been almost a unit in opposing censorship or any other form of control, regulation, or supervision by either the federal or state governments, but by their action in creating the National Board of Censors, more recently known as the National Board of Review, the moving picture interests admit that some control is necessary. They claim for

themselves the same rights and privileges that are accorded the newspapers, to present anything they wish to offer without any restraint in advance, being responsible only after they have done so in case they have violated any law. They have claimed that freedom of speech and freedom of the press include the moving pictures, a position the United States Supreme Court has emphatically declared to be untenable. The moving picture interests have been supported in their stand by many writers and publishers who fear that the example of a successful censorship of all the films by the government might lead to an extension of the censorship idea to the newspapers, magazines, and books of popular fiction.

Various chambers of commerce and other business-men's organizations, women's clubs, religious and civic organizations, and committees of city councils, state legislatures, and the national Congress have made extensive investigations of moving pictures and have recommended a variety of remedies for the evils they believed they had found. Inspection, licensing, and censorship have all been proposed, either as a local, a state-wide, or a national measure. Six states and a considerable number of the larger cities have adopted censorship. A few years ago this seemed to be the general tendency, but later public opinion seemed to favor waiting to give the motion picture industry a chance to clean its own house. Recently a number of religious or church weekly magazines have taken up the matter and demanded relief, declaring that present conditions are utterly intolerable. *The Churchman*, a weekly publication of the Protestant Episcopal Church, has been the leader in this movement.

Whether there should be any government action, and if so what form it should take, is one of the great public questions of the day, one on which there is wide difference of opinion.

For many years there have been some people in almost every community in this country who have looked upon the theater as a vicious institution. This has been due

largely to religious opinions, some churches even trying to prevent their members from attending the theater at all. While this view seems to have been growing weaker as time has gone on, still there are some theatrical performances almost every year that have received severe condemnation, it being claimed that they are immoral and filthy.

For several years there has been in New York City an organization known as the Catholic Theatre Movement, whose purpose it is to advise the Catholic people in a quarterly bulletin what plays are indecent, so that they can avoid them, and what ones are clean, so that they may be patronized. The mere existence of this organization shows the attitude many people, especially the church people, take towards the stage of today. In the July 31, 1930, number of this bulletin Monsignor Michael J. Lavelle said, "Right-minded people cannot avoid deploreding the low character of many theatrical shows which are presented at this time." Similar statements have been made by many other prominent people. In 1909 Samuel H. Adams said, "At one period of the present theatrical season one-fifth of all the dramatic presentations in New York were of dubious character." In 1922 Dr. John Haynes Holmes was quoted as having said that nine out of the thirty-nine plays then being presented on Broadway were obscene and indecent. In 1923 the *Literary Digest* said, "Even Suez would blush at some of the plays now being staged in New York." In 1925 John Galsworthy said, "You have in America at the present time several plays that are designed solely to appeal to the seamy morbid side of human nature," and Judge Franklin Taylor said, "The spoken drama of the present day on the New York stage outrivals Paris for indecency." In 1926 the *Theatre Magazine* said in an editorial, "Broadway was never so full of filthy, degrading plays." Within the past few years the police in New York City have taken action against a number of the theatrical presentations.

But there are many cultured and educated people who do not share this point of view. They look upon the theater, not as an institution which establishes or teaches the customs, morals, or ideals of a nation, but as a place of amusement and recreation where society may see pictured to it both its virtues and its vices, as a sort of mirror that should truthfully reflect the conditions that actually exist, the lives that people actually live. They believe that very few, if indeed any at all, are made criminal or vicious by what they have seen in the theaters. They hold that there has never yet been presented any adequate evidence to prove that the theater has had any such influence or effect. They believe that any form of censorship must hamper the theater in its work, hinder playwrights in their efforts to give full play to their ideas, as Shaw says he has been hampered, annoy the producers, and make the drama worse instead of better. They feel that the present time, when the drama seems to be in a period of decline, is one particularly unsuited to the adoption of any such new restrictive legislation.

In England there has been a rigid official censorship of stage plays for a great many years. By this law no play can be presented to the public unless it has been approved by the examiner of plays who works under the Lord Chamberlain. Most of the theatrical producers and actors in England favor the maintenance of this censorship, because it enables them to know definitely whether it is lawful to present any given play, and because it frees them from any annoyance by the local police authorities. The English playwrights are almost unanimous in their bitter opposition to the censorship. There can be no question but that this censorship has kept many plays entirely off the British stage, even the plays written by great English playwrights, including one by Shaw himself, but it is not an easy matter to say to what extent it has hampered the growth and development of the drama in England. It may well be doubted whether a similar law could be made to work equally well in this country.

with its vast extent of territory, its differences in tastes and ideals in the different sections, its heterogeneity of population, and the present attitude of a large part of our people against any legislation that would further restrict the liberty of the individual.

In this country we have always relied on the local police authorities to suppress indecent plays, with results that in many cities are far from satisfactory. When the police have interfered and attempted to suppress a so-considered obscene or indecent theatrical performance, it is not always that they have succeeded in their efforts. Often an injunction ties the hands of the police while the objectionable play goes on, presented to capacity houses because of the advertising which the newspaper accounts of the police interference have given it.

What should be done about indecent plays, and who should do it, has been for years an important public question on which opinions differ sharply and widely. Some are emphatic in the belief that the public is entitled to a greater degree of protection than is now available. Others are very positive in the belief that it would be entirely sufficient if the police and the courts would actually enforce the laws that are now on the statute books of every state in the Union.

LAMAR T. BEMAN

Cleveland, Ohio
November 10, 1930

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PART I

CENSORSHIP OF MOVING PICTURES

BRIEF

RESOLVED: That all motion pictures made or exhibited in the United States should be under the control and censorship of the Federal Government.

INTRODUCTION

- I. The motion picture now permeates the life of the nation.
 - A. There are motion picture theaters in every community, in the smallest villages and in every section of the cities.
 1. Most of the moving picture shows are open seven days a week.
 - B. Motion pictures are now the chief form of entertainment in this country.
 1. They are patronized by millions of people every day.
 2. They are the principal amusement of the majority of the people.
 3. To many millions they are the only amusement and recreation.
 - C. Many of the patrons of the moving pictures are children or young people.
 - D. The production, distribution, and exhibition of motion pictures has grown to be a vast industry.
 1. It is said to be the fourth largest industry in the country.
 2. The United States now makes 85 per cent of the world's films.

II. Moving pictures exert a tremendous influence upon the American people, especially upon the children and young people.

A. The visual appeal is stronger than any other.

1. Edison is reported to have said that we get 80 or 90 per cent of our knowledge thru the eye. (*Dearborn Independent*. 26:4. F. 20, '26)

B. The moving pictures speak an universal language.

1. They are understood by young children, the illiterate, the feeble-minded, and by those who do not understand English.

C. Conditions of crowd psychology are present.

1. The people in a moving picture show will applaud the things they would instantly reject at home or even in an office.

a. The pictures of notorious criminals, like Gerald Chapman, have been applauded in moving picture shows.

III. The moving pictures have been subject to severe criticism by the best minds of the country for more than twenty years.

A. There has been continual agitation for some regulation.

1. This has led to the adoption of state censorship in seven of the states.

2. It has led to local censorship in a number of the larger cities.

B. There have been several government investigations.

1. Several hearings before Congressional investigating committees have been held.

2. The Federal Trade Commission has also conducted an investigation.

3. Several of the states and many of the cities have studied and investigated the subject.

C. What to do is a vital public question.

AFFIRMATIVE

- I. There is a necessity for the Federal Government to exercise control and censorship over the moving pictures.
 - A. Many objectionable and vicious films are being made and exhibited.
 1. Many of the films are unclean, immoral, obscene, filthy and indecent.
 - a. Sex smut contaminates a great many of the films.
 - b. Love slop permeates practically all of them.
 - c. Many show scenes of drunkenness and debauchery.
 - d. The nude, or practically nude, is often displayed.
 - e. The worst vices are made to appear attractive.
 2. Crime and brutality are often shown on the screen.
 - a. Many of the films have crime scenes, showing how to commit and to conceal crime.
 - b. Cruelty to animals is sometimes shown.
 - c. Assault and torture of human beings have been shown in some films.
 - d. Suicide scenes have even been shown.
 3. Many of the films arouse prejudice and hatred or tend to incite to violence.
 - a. Some films, like the *Birth of a Nation*, arouse racial prejudices and hatreds.
 - b. Many tend to provoke class or sectional hatreds or prejudices.
 - c. Some of them have a tendency to stir up religious animosities.

- d. Some tend to awaken in this country hatreds and rivalries inherited from the old world.
- 4. Persons and institutions that ought to be respected and have the confidence of everybody are frequently belittled and held up to ridicule in the moving pictures.
 - a. The clergy and the churches are very often ridiculed.
 - b. Judges and the courts are continually belittled.
 - c. Teachers and schools are very often misrepresented and ridiculed.
 - d. Policemen and other officials are usually so ridiculed as to tend to bring them into contempt.
 - e. Farmers are invariably treated in the same manner.
- 5. Persons and actions deserving of the most severe condemnation have been pictured as honorable and commendable.
 - a. The most vicious and desperate criminals have been pictured as heroes.
 - b. The vulgar morons and cold-blooded murderers who are the gang leaders are shown as statesmen.
 - c. Bootleggers, highjackers, and other kinds of criminals have been pictured as businessmen.
 - d. Drinking and drunken brawls have been shown as respectable social affairs among decent people.
- 6. The moving picture industry, by its own voluntary actions, has admitted the existence of these evils.
 - a. In 1909 it organized the National Board of Censors.

- b. In 1915 the name of this body was changed to the National Board of Review, but it still continues to make a bluff at censorship.
- B. Many films that are not vicious, filthy, indecent, or obscene have no good qualities at all.
 - 1. There are a great many films that are dull, stupid, insipid, or mere drivel.
 - 2. There are comparatively few that have any art in them.
 - 3. Dull and stupid films are often advertised by posters that are obscene, vile, indecent, or suggestive.
- C. There is unreasonable discrimination against many of the exhibitors by producers and distributors.
 - 1. The best films are denied to some exhibitors.
 - 2. Many exhibitors cannot get any good films at all unless they also show some poor ones and often unless they will also show some vile, obscene, and indecent films.
 - 3. In the smaller towns exhibitors find it particularly hard to get any good films.
- D. Many American films are doing this country great harm as they are shown abroad.
 - 1. Foreigners get false ideas of our manners and morals, our dress and our behavior.
 - 2. Immigrants come to this country with wrong ideas of American social standards.
 - 3. Jealousy and hatred of America are fostered by films that give the impression that all Americans are rich and live in luxury.
 - 4. Resentment towards this country because of the type of films we send them has recently been expressed in several foreign

CENSORSHIP OF THE THEATER

countries, even in China, Central America, and Mexico.

5. Great Britain has even been provoked because American films showing luxury, finery, vice, and crime have aroused discontent in India.

- E. The results of thirty years of vicious and obscene films have been to undermine our national ideals and moral standards to such an extent as to threaten our civilization.

1. American youth has been robbed of its birthright.

- a. The attitude of young people has changed in this generation.

- (1) Children are now critical of parents, teachers, and all authority.

- (2) Young people are not as serious, earnest, and religious as in earlier generations.

- (3) Teachers in all parts of the country note the change for the worse.

- b. Everywhere in America thoughtful people are asking, "What ails our youth?"

2. Crime is rampant in this country.

- a. We have more crime in proportion to our population than any other civilized country in the world.

- b. Most of the crime in this country is committed by young people.

- c. The amount of crime committed by high school and college students is disheartening.

3. Religion and the churches are losing the respect and support they used to have.

- a. The Sabbath is desecrated by moving picture shows, sports, jazz dances, and joy rides.
 - b. Rev. Jenkin Lloyd Jones has declared, "The churches have lost or are losing their old time leadership." (Outlook. 80:124. My. 13, '05.)
 - c. The Interchurch Conference reported in 1927 that "The Protestant Churches in America are losing approximately 500,000 members a year." (Literary Digest. 94:27. Ag. 20, '27.)
4. Authorities are clear and emphatic on this point.
- a. The New York State Motion Picture Commission said in its annual report for 1924, (p. 10) "The motion picture has become a menace to society."
 - b. Bernadine Freeman has said, "The movies are today the most important single destructive force in our civilization." (Educational Review. 72: 115. S. '26.)
 - c. Dr. Joseph R. Geiger has said, "Evidence of the demoralizing and degrading effects of the sex-inspired picture on the youth of the land is to be seen on every hand." (International Journal of Ethics. 34:79. O. '23.)
 - d. *Collier's Weekly* says the moving pictures "are undermining America." (70:4. S. 16, '22.)
 - e. Charles A. McMahon says, "The filmed sex novel is more than offsetting the positive preachments delivered from all the pulpits in the land."

(*Child Welfare Magazine.* 19:25.
S. '24)

- f. Judge George W. Martin has said, "The youth breaks the law that in the movies he is taught to break." (New York Times. Ja. 22, '25. p. 8.)
- g. Prof. E. J. Dupuy says, "The false conclusions of the screen productions are ruining our girls." (Transactions of the Commonwealth Club of California. 16:215. Ag. '21.)
- h. William S. Chase has said, "The unregulated motion picture screen has been the school of crime in every country of the world for twenty-five years." (New York Evening Sun. Ap. 21, '26.)
- i. Professor Richardson of Northwestern University said, "We might as well try to sweep the incoming Atlantic tide back with a broom as to build up the moral character of our children while the present types of films are being shown promiscuously." (Educational Screen. 4:550. N. '25.)

F. All other methods of control and regulation have failed.

- 1. The National Board of Review, formerly known as the National Board of Censors, has been a complete and total failure so far as improving the films is concerned.
 - a. It is a private volunteer organization.
 - (1) It has no official powers at all.
 - (2) It is made up of people who are responsible to nobody.
 - b. It does not have jurisdiction over all the films.

- (1) It has no jurisdiction over foreign films, many of which are particularly objectionable.
- (2). It has no jurisdiction over the films of the independent producers.
- c. It has no power to enforce its decisions.
 - (1) Films rejected by it have often been shown to the public. (House Report 697, 64th Congress, 1st Session. My. 17, '16. p. 2.)
- d. It has not improved the quality of the films shown altho it has been in existence for twenty years.
 - (1) The films as a whole have steadily grown worse.
 - (2) The worst books now published are filmed as fast as they appear, the producers even scrambling for them.
 - (3) Many of the pictures it has approved have been declared totally unfit for exhibition by official state and local boards and by prominent and disinterested individuals.
- e. It has not lived up to the solemn promises made for the motion picture industry by Will Hays.
- f. It is merely a tool of the producers.
 - (1) They pay all of its expenses.
- g. It is a device used for fooling the public.
 - (1) The worst pictures are not presented to it.

- (2) The Committee on Education of the National House of Representatives said in its report in 1915, "The actual work is largely done by paid secretaries as representatives of the board."
- h. No board, composed entirely of residents of New York city or whose meetings are all held there, can represent all parts of the country.
2. The other agencies of the moving picture trust have done no good at all, so far as improving the films is concerned.
- a. The Committee on Public Relations
 - b. The Open Door
 - c. The National Committee for Better Films
 - d. The Public Relations Committee
 - (1) The Federation of Women's Clubs withdrew from this committee in 1926.
3. Local or municipal censorship can accomplish very little.
- a. In only a few cities has it ever been tried.
 - b. It cannot be made to work out in the smaller towns or villages.
 - (1) The producers would not submit the more expensive films.
 - (2) Competent censors could not be obtained.
 - c. It could be easily evaded.
 - (1) When vicious gambling joints are driven out of a city, they open up just outside of the city limits.

- (2) When cities have prohibited the sale of fireworks, roadside stands sell them just over the city line.
 - (3) Vicious, obscene, and immoral moving picture shows could do and have done the same thing.
4. State censorship has not solved the problem.
- a. It protects only the people of one state.
 - b. The laws are evaded and violated.
 - (1) New York authorities have continually reported violations of the state censorship laws.
 - c. It does not attack the evil at its source.
 - d. It is not the most economical plan.
 - e. It does not make the manufacture of vicious, obscene, immoral, and indecent films unprofitable or hazardous.
5. Volunteer and advisory organizations are almost useless.
- a. Few people pay any attention to their recommendations.
 - b. They have no power to enforce their decisions.
 - c. Their efforts often serve merely to advertise vicious and obscene films and to increase the attendance.
 - d. They cannot even punish violations of the laws of decency except by arrest and criminal prosecution, and efforts in this direction are usually entirely futile.

CENSORSHIP OF THE THEATER

6. Existing laws are entirely inadequate.
 - a. Complaint from a citizen and an arrest or other legal action is necessary to prevent exhibition.
 - b. In some cases laws prohibiting immoral entertainments have been construed not to apply to motion picture shows.
 - c. Responsibility for the exhibition of a vicious or obscene picture is not adequately placed.
 - d. No adequate provision is made for prompt suppression.
 - (1) When offenders are punished, it is after the objectionable film has been shown and seen by many people.
 7. No other method can prevent American films from doing our country great harm abroad.
- II. Control and censorship of the moving pictures by the Federal Government would be a wise and desirable policy.
- A. It would safeguard society and protect our civilization from the insidious influences of unregulated motion pictures.
 1. It will protect the small child, the adolescent, and the feeble-minded from the shock of witnessing violence, crime, and obscenity.
 2. It will protect decent and intelligent people from the disgusting scenes of violence, filth, and crime.
 3. It will curb the growth of crime that follows the continual exhibition of crime pictures.

4. It would prevent the continual ridicule and derision of clergymen, teachers, judges, policemen, farmers, and others.
 5. It would protect smaller towns and poorer districts from continual low, vulgar, dull, stupid, and worthless pictures and make it possible for them also to get some of the better films.
 6. It would elevate the tone of the pictures intended for adults.
 - a. It would exclude pictures of low moral influence.
 - b. It would eliminate sex smut.
- B. It would prevent American films from giving foreigners a false impression of our country or from arousing ill will against America in foreign lands.
- C. It would simplify regulation and control of the moving picture industry.
1. Responsibility for the films is largely removed from the exhibitor and the distributor, and is placed upon the producer, where it belongs.
 2. Responsibility for enforcing the law would be centralized in one bureau of the Federal Government.
 3. It will create a uniform standard of judging films for the whole country.
 - a. The moving picture industry has objected to state and local censorship because of the varying standards that had to be met.
 4. It embodies the principle of prevention rather than punishment.
 - a. It is generally recognized that it is better to prevent a crime from being

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- committed than it is to punish a criminal after a crime has been committed.
- b. Prevention also prevents the harm being done to society.
- D. It will be much more economical.
- 1. All the money and effort spent for state and local censorship will be saved.
 - 2. The efforts and expense of volunteer organizations will be saved.
 - 3. The entire expense of the National Board of Review, formerly called the National Board of Censors, will be saved.
 - 4. Inspection being at the source will make possible further saving.
 - a. The cost of making the objectionable films would be entirely saved.
 - b. The cost of making eliminations after a film had been completed would be entirely saved.
 - c. The different and conflicting standards of censorship would be abolished, and there would be one standard that all producers would have to meet.
- E. Federal control and censorship would be fair and just to the producer, the distributor, and the exhibitor.
- 1. It would prevent the evils of monopoly, restraint of trade, and the other violations of law that are now hampering the moving picture industry.
 - a. The fourth largest interstate business must be properly regulated and controlled by the Federal Government, as all other big businesses are.
 - b. Distributors and exhibitors as well as the independent producers will no longer have to suffer because of the

- unfair and unlawful practices of the moving picture trust.
2. It will be more convenient and much cheaper for the industry than state or local control and censorship.
- a. There will be only one standard to be met, instead of many and various standards as is now the case.
- b. Separate inspections and delays in different states and cities will be eliminated.
- c. Different fees for inspection will be reduced to one.
- d. Very few eliminations will be made after a film is completed, which will mean a great saving.
- (1) Producers would know what the legal standards and requirements were.
- (2) The scenario would be inspected and censored before the filming began.
- e. Delay in releases would be entirely eliminated.
- (1) Inspection and acceptance of the scenario gives a film assurance of being acceptable when completed.
- F. Federal control and censorship will be fair to the individual and to the small towns.
1. Small communities that are now unable to cope with the giant moving picture trust will obtain from the Federal Government justice, consideration, and protection.
- a. They will get their share of the newer and better films.

- b. They will no longer be compelled to see some vicious, obscene, dull or stupid films.

III. Control and censorship by the Federal Government would be a practicable remedy.

- A. National supervision and censorship of the motion pictures is being used successfully and beneficially by practically every civilized country in the world, save only the United States and some parts of Latin America.
 - 1. It is in use in Great Britain, France, Italy, Japan, Canada, Australia, South Africa, Czechoslovakia, Poland, Sweden, Spain, Russia, Germany, India, and many other countries.
 - 2. It has everywhere given general satisfaction.
 - a. Its results have always been beneficial and wholesome.
 - b. Nowhere is there any strong agitation for its repeal or abandonment.
- B. State and local censorship have already greatly improved conditions in parts of this country.
 - 1. The worst films are not presented to the official censors, and are therefore excluded from the states and cities that have their own censorship.
 - 2. Many of the films presented to these boards of censors have been rejected in toto.
 - a. Since 1915 the Pennsylvania State Board has rejected in toto more than four hundred films.
 - 3. In many cases the censors have eliminated scenes or titles that were vicious, obscene, or indecent.

- a. In the year 1925 alone more than four thousand eliminations were made by the Motion Picture Commission of New York State.
- 4. The Thirteen Points, subscribed to by most of the producers, but which most of them have not lived up to, were a concession to official censorship.
- C. Control and censorship by the Federal Government are constitutional.
 - 1. The motion picture industry is an interstate business, and therefore within the province of the Federal Government.
 - 2. The Supreme Court has held that motion pictures are neither speech nor press, but public shows, and therefore are not within the province of the first amendment to the Constitution. (236 U.S. 230 et seq.)
 - 3. Individual liberty may often be infringed by legislation when it results in a benefit to all the people.
- D. Most of the arguments against censorship are falacious or invalid.
 - 1. The motion picture industry has always fought any supervision or control, but by its own actions it admits that censorship is necessary.
 - a. It established its own private Board of Censors in 1909 as a means of preventing any official or real censorship.
 - b. It changed the name of this body to the National Board of Review of Motion Pictures in 1915.
 - c. It has employed Will Hays as a lobbyist and promiser at a high salary.
 - d. The promises Will Hays has made for the industry have not been kept.

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- e. Hays posed as the Czar of the Motion Pictures while he denounced one man censorship as proposed in Connecticut.
2. The argument that censorship will interfere with art is not valid.
 - a. For it must first be shown where there is any art in the motion pictures. (George Jean Nathan. *Art of the Night.* p. 106-39.)

NEGATIVE

- I. Federal control and censorship of the motion pictures is entirely unnecessary.
 - A. Most of the moving pictures are now satisfactory and they are constantly being improved.
 1. Motion pictures are a new form of entertainment, not yet thirty years old.
 - a. In some respects the motion pictures are still in their experimental stage.
 - b. A new form of entertainment should not be hampered in its early development by unsympathetic restrictive and regulatory legislation.
 - c. It should be given freedom and time to develop and work out its own salvation.
 2. The motion pictures are not more obscene or immoral than older and well established forms of entertainment.
 - a. Some of the performances in the theaters are more obscene, indecent, immoral, vulgar, and vicious than the moving pictures.
 - (1) More theatrical performances are suppressed, more actors, managers, and producers are

- arrested for violating the laws of decency, than is true of the motion pictures.
- b. Many of the books of fiction are more offensive than the motion pictures.
 - (1) The worst criticism of the motion pictures has been that they film some of these books, but in many cases the film is cleaner and better than the book.
 - c. Some of the fiction magazines are much more lewd, vicious, obscene, immoral, and indecent than the moving pictures, but they are on sale in news stands all over the country.
 - d. Many of the newspapers in their articles on crime, criminal trials, prize fights, divorces and other scandals, and in their fiction serials are doing far more harm than are the moving pictures.
- 3. The moving pictures are constantly being improved.
 - a. There has been constant mechanical improvement.
 - b. The artistic and educational value of the moving pictures have been continually improved.
 - c. In 1926 President Coolidge said that the motion pictures were steadily growing better.
 - 4. The moving picture audiences are satisfied with the pictures they see.
 - a. Millions of the American people continue to attend the moving picture shows day after day.
 - b. American films are in great demand the world over, the producers in

several foreign countries complaining that the people there will not go to see their films but want always to see the American films.

- c. Most of the criticism of the motion pictures comes from people who seldom attend them.
 - (1) They are as a rule people who are not themselves interested in that form of entertainment.
 - (2) They have formed their opinions of the moving pictures very largely from their own imagination and from the obscene and suggestive posters that are used to advertise them.
 - (3) They are often the self-righteous type of meddlesome people who want to regulate the lives and conduct of others.

- B. No harm is being done by the moving pictures, either to the young or to society.
 - 1. No evidence has yet been produced that the motion pictures are a cause of crime.
 - 2. There is no evidence that crime has increased in this country in the last twenty-five years.
 - a. The crime statistics of the Federal Government are so poor and incomplete that no such conclusion can be drawn from them.
 - b. The way many newspapers play up crime news deceives many superficial minds into drawing unwarranted conclusions.
 - c. It means nothing at all that many people and some newspapers assert

that crime is increasing without knowing what they are talking about.

3. The evidence seems to show that crime in America has decreased since the moving pictures began.
 - a. The number of prisoners under sentence in the penal institutions of this country for each 100,000 of our population was 106.7 in 1890, 99 in 1904, 107.9 in 1910, and only 94.6 in 1923. (*Prisoners 1923: Crime conditions in the United States as reflected in the census statistics of imprisoned offenders.* United States Census Bureau. 1923.)
 - b. The best statistics on murder in America show that the murder rate per capita was considerably higher in the nineties than it is now. (*Handbook on Capital Punishment.* H. W. Wilson Co. 1925. p. 16+)
 - c. The large part of the arrests today are for acts that were not crimes before the motion pictures were developed, offenses pertaining to automobiles and to prohibition, and these must be deducted in making any comparison in arrests.
 - d. George W. Kirchwey has said, "The official record, covering the 18 years from 1910 to 1927, inclusive, shows a marked decline of from 35 to 40 per cent in the general crime rate in the United States, and this notwithstanding the immense number of new crimes resulting from liquor, drug, and traffic laws enacted since 1910." (*New York Times.* May 26, 1929.)

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4. No real evidence has yet been produced to show that the youth of today is any worse than in previous generations.
 - a. For centuries a few of the older people, especially the busy-bodies and the self-righteous, have worried themselves about the young people.
 - b. Two hundred years ago Pope wrote:

"We think our fathers fools, so wise we grow:
Our wiser sons, no doubt, will think us so."
5. In many respects the young people of today are far better than in previous generations.
 - a. A much larger percentage now goes thru the high schools and colleges.
 - b. Education from the kindergarten to the university is now far better than it was even a generation ago.
 - (1) The nonsense of studying dead languages, which formerly made up almost the entire course of study, has now very largely disappeared.
 - (2) Children of seven now read better than those of ten did forty years ago.
 - (3) Even young children are now given instruction in physical education and health matters, such as diet, sanitation, care of the teeth, etc., which until recently were entirely neglected in the schools.
 - (4) Science, vocational training, and other useful and practical stud-

ies now occupy a large part of almost every student's time and effort.

6. The percentage of children in moving picture audiences has been greatly exaggerated.
 - a. There are no official statistics on this point.
 - b. Every published statement has been an estimate or an opinion.
- C. Great and lasting good is being done by the moving pictures.
 1. They are cheering and brightening the lives of the great majority of the American people.
 - a. In the smaller towns they are often the only regular public entertainment.
 - b. For the many who must work long hours they make entertainment available at the times when they can enjoy it.
 - c. To the millions who are poor they have made good entertainment cheap enough to be within their reach.
 - d. To the unfortunates in institutions, such as orphanages, poorhouses, hospitals, and prisons, and to those in isolated groups, such as on boats, in lumber camps, in mining communities, and in the small and remote towns, they have brought good and up to date forms of entertainment.
 - e. To millions of school children they furnish the brightest and happiest hours of the week.
 - f. Millions of the American people are entertained by the motion pictures every day.

2. The motion pictures have brot high grade entertainment within the reach of everybody for the first time in the history of the world.
 - a. Thru all history all other forms of high grade entertainment have been limited to the few, the rich and the middle classes, who had the means of paying the high admission charge and had the leisure time to enjoy them.
3. The moving pictures are the greatest new educational force brot into the world since the invention of the printing press.
 - a. Impressions upon the eye in the form of moving pictures are easier, quicker, more pleasant to grasp than those obtained by reading, by lectures or other oral instruction.
 - (1) Edison has said that 80 or 90 per cent of our knowledge comes thru the eye.
 - b. Every film, especially the news reels, has educational value.
 - c. There are now many educational films that are extensively used in schools, colleges, and clubs.
 - (1) Schools, colleges, churches, societies, clubs, and even the government are now making extensive use of the motion pictures for educational and propaganda purposes.
 - (2) Before many years more school and college authorities will wake up to the power and the possibilities of the motion picture and use it to its full possibility.

- D. Present laws are adequate to protect any community against abuse or harm from the moving pictures.
 - 1. There are now everywhere in America laws against shows, displays, or utterances that are obscene, immoral, vicious, indecent, or that have a tendency to corrupt morals or to make criminals out of young people.
 - 2. There are federal laws against sending thru the mails or transporting in interstate commerce any matter that is immoral, obscene, or indecent.
- E. The National Board of Review is rendering valuable service and is fully safeguarding the American people from harm.
 - 1. It has always taken an attitude of friendly cooperation rather than hostile antagonism toward the movies.
 - a. It has always used the principle of selection rather than suppression or deletion.
 - 2. It will recommend to any exhibitor, community, organization, or institution films that are adapted to its particular use or need.
- II. Federal control and censorship of the motion pictures are unwise and undesirable.
 - A. They are undemocratic and unAmerican.
 - 1. They are out of harmony with the spirit of our constitutions and our institutions.
 - a. Censorship provides for punishment before a crime has been committed, while our constitutions provide that all persons shall be presumed to be innocent until they are proved to be guilty.

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- b. Censorship limits freedom of expression and publication, which are guaranteed to the people by our constitutions.
- 2. Federal censorship would be a form of class legislation.
 - a. The standards of censorship would always be set at Washington or some other centre of culture, and would always be made by cultured and refined people to conform to their own ideals and tastes.
 - b. Such standards would be a discrimination against the uncultured masses and against great numbers of our people who, because of their lack of education and refinement, have never learned the difference between humor and filth, and who are really entertained and amused by things which educated and refined people regard as filthy and unclean.
- B. They would be another unwarranted extension of the sphere and powers of the Federal Government at the expense of the states.
 - 1. There seems to be a world-wide influence, a sort of momentum, pulling towards centralization in government.
 - a. In the other federal or decentralized governments of the world, notably Canada, Australia, South Africa, and Germany, the central government has considerably more power than does the Federal Government in this country.
 - b. In this country the courts have been continually "whittling away" the

powers and duties of the cities, making all home rule provisions slowly become almost meaningless.

- c. The whole history of America, since the adoption of our Federal Constitution, has been a record of continual encroachment by the Federal Government upon the rights, powers, and duties of the states, reserved to them by the Federal Constitution. (See *Handbook on States Rights*. H. W. Wilson Co. 1926)
 - (1) All branches of our Federal Government have shown this tendency until it has grown to be a vast bureaucracy, topheavy and inefficient, unable to enforce the laws it has already adopted for the regulation of personal conduct.
 - (2) This movement has already gone so far as to make the state governments so unimportant that the high offices in the states are sometimes held by men who are incompetent, inefficient, or dishonest.
- 2. This country must now revert to the principles of the Constitution.
 - a. Our Federal Constitution established a decentralized federal government.
 - b. The nature of that government has been changed to such an extent that the purpose of the Constitution will be thwarted by further increasing the powers and duties of the Federal Government.

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- c. It is important now to resist any further extension of the powers and duties of the Federal Government and to preserve to the states what remaining powers they still have.
- 3. Control and censorship of motion picture shows are a local police regulation and should not be usurped by the Federal Government.
 - a. What one state or one community does as regards its moving picture shows, whether it censors shows or not, what standard of taste it sets, does not affect other states or other communities.
 - b. The Federal Government has already made a most dismal failure of its efforts to enforce the prohibition law.
- 4. Local police power is always best exercised by the local authorities.
 - a. Public opinion, the will of the people, can then be made to prevail over the whole country.
 - b. The United States is too vast, the people, conditions, opinions, ideals, and conceptions of morality and good taste differ too much in the different states and in the communities within the larger states, to make any one uniform standard of censorship for the motion picture shows wise, desirable, beneficial, or at all practicable.
- 5. State and local censorship have been satisfactory wherever tried.
 - a. The states and the cities that have a censorship law show no inclination to abandon it.

- b. The great majority of the states have not adopted a censorship law, which shows that they think censorship of shows is a matter which should be left to the local governments.
- C. Federal control and censorship are open to grave dangers and liable to serious abuses.
 - 1. They might be used by the party in power to perpetuate itself in office.
 - a. All the members of any national board of censors of motion pictures would be political appointees.
 - b. Such a board could be more easily influenced and controlled than most political appointees, because there are no definite standards or legal precedents by which their decisions and actions would be limited.
 - c. Statesmen who would own stock in Credit Mobilier, as one President did, or who would dispose of tremendously valuable parts of the public domain at a trifle of their actual value, as two cabinet officers have recently done, would not hesitate to use the moving pictures unlawfully to keep themselves in office.
 - 2. If this power over the moving pictures were used up to its full possibilities by the party in office, our free institutions would be endangered.
 - a. The motion pictures of the whole country could exert a tremendous influence over the voters.
 - b. The will of the people could be thwarted.
 - c. Public opinion could be misinformed and misguided.

- d. The wells of democracy could be poisoned at their source.
- 3. Unreasonable and absurd standards of censorship might be set up.
 - a. Federal censorship would necessarily restrict the exhibition of films according to the private opinions and personal tastes of the few politically appointed individuals who made up the board.
 - (1) There is no natural basis of censorship, no line of demarcation, between good and bad films.
 - (2) There is no absolute standard of morals and good taste.
 - (3) The conception of what is immoral, indecent, or in bad taste varies with social groups and even with individuals in accordance with their education, experience, and environment.
 - (4) There is no established body of law to guide censors, like the common law by which all our courts are guided.
 - b. State boards of censors in the six states that have state censorship of moving pictures have used entirely different standards and made inconsistent rulings.
 - (1) The same identical film has been approved as it was made by one state board, altered by another, and rejected in toto by a third.
 - (2) Sometimes different state boards have made the same ruling but

have given different reasons for doing so.

- c. The decisions of state boards have sometimes been influenced or determined by political considerations.
- 4. The future development of the moving pictures might be retarded by federal control and censorship.
 - a. The standards set might discourage or interfere with further experimentation.

III. Federal control and censorship of the moving pictures are impracticable.

- A. Nation-wide censorship, where it has been tried, furnishes no reason to believe that it would work well in the United States.
 - 1. Most of the countries that have used it are smaller in area and less heterogeneous in population than is the United States.
 - 2. In scarcely any of them are there the diversified conditions of education, wealth, ideals, tastes, and culture that prevail in this country.
 - 3. Even if it had worked well in other countries, that fact would prove nothing as to how it would work in this country.
- B. Federal censorship cannot be made to work out well here.
 - 1. National uniformity in censorship of the moving pictures is not suited to a vast country under a federal form of government.
 - a. The state or local boards of censors might reject films the Federal Board had approved.
- C. There are better methods than censorship for regulating the moving pictures.

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1. A system of licensing would be better.
 - a. The responsibility would then be placed on the producers, where it belongs, and not on the exhibitors.
 - b. Distributors and exhibitors could also be held responsible.
 - c. Fear of the loss of their license to continue in the business would deter producers from making vicious or even doubtful films, while censorship seems actually to encourage them to make more bad ones.
 - (1) Many of the films now made lead one to think that many of the producers are trying to put into many of their films some filth, either so they will get some of it passed by the censors, or so the censors will have the satisfaction of eliminating a part of many of the films.
 - (2) Some producers seem to be acting as if they were trying to make many of their films as bad as they could and still get them approved by the censors.
 - (3) Several states found the licensing of saloons a successful method of compelling them to close on Sundays and obey other laws, which almost all of them had continually violated for many years.
- D. Federal censorship and control of the moving pictures have been opposed by many of the best minds in this country.
 1. President Coolidge.
 2. Governor Alfred E. Smith.

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GENERAL DISCUSSION

MOTION PICTURES AND CRIME¹

A knowledge of child psychology is needed to understand what the motion picture means to the child.

As an agent of publicity, with its immense daily audience of young people, it has great possibilities for creating and developing in them a spirit of true Americanism, a respect for law and social order which are recognized as essentials for a democracy. Rightly used, the motion picture is one of the most powerful educational forces of the twentieth century. Its possible influence in the Americanization of our foreign population, through a medium which shall be intelligible to all, regardless of race, is scarcely yet realized. But wrongly used and not carefully guarded, it might easily become a training school for anti-Americanism, immorality and disregard for law—a condition in which each individual is a law unto himself. We have therefore, in a sense, to meet an emergency, to begin in time to make of this truly public school the kind of educational force that it should be—to prevent rather than prohibit.

In a consideration of the young, we must not fail to include that great class of unfortunates designated as mentally deficient. They are individuals, who, though physically and chronologically adults, are still children mentally. The problem of the mentally retarded individual is essentially the same as that of the normal person of younger years. The moron, the highest type of the feeble minded, usually defined as an individual whose development has ceased at about the age of eleven years, has most of the mental traits of the child of eleven

¹ By A. T. Poffenberger. *Scientific Monthly.* 12:336-9. April 1921.

years. He has, however, the physical strength, instincts and desires of the adult. The moron is seldom confined in an institution, because his defects are not considered by family and friends as great enough for that. As a result, this type of individual is at large, and must be protected from evil suggestions and from too complex an environment. Such persons, when the higher forms of control which they lack are supplied by guardians or are made unnecessary by simplified living conditions, may well become useful and self-supporting members of society. Without this control, they constitute a real danger, since their physical age, which may be from fifteen years up, places them in a position to act upon evil suggestions more readily than the child.

What then are the mental characteristics of these two groups, children and mentally deficient adults, which mark them off from normal adults?

One respect in which they differ from the adult is in suggestibility; another is the lack of ability to foresee and to weigh the consequences for self and others of different kinds of behavior; another is the lack of capacity and willingness to exercise self-restraint; and still another is an imagination less controlled and checked by realities. All these traits taken together make the child and the mentally deficient person especially susceptible to evil influences. That is why one expects the majority of certain kinds of crimes to be committed by persons of retarded mental development. And recent statistical studies of the relation between crime and mental defect confirm the expectation. One needs only to recall the epidemics of suicide and murder by such means as cyanide of potassium, chloride of mercury, carbolic acid and the like; to notice the likenesses in the technique of burglars at different periods of time; to note the cases of false testimony in courts and false confessions of crime to realize the great suggestibility of such persons and their lack of foresight. Unlike the normal adult, they are unable to resist the suggestions

of advertisements, posters, newspapers and magazines, and of their associates. Naturally, these traits can be played upon for good or for evil. One who knows the mechanism of suggestion would expect the prevalence of crime, especially when it is advertised by these agencies of publicity, to breed more crime.

Motion pictures, containing scenes vividly portraying defiance of law and crime of all degrees, may by an ending which shows the criminal brought to justice and the victory of right, carry a moral to the intelligent adult; but that which impresses the mind of the mentally young and colors their imagination is the excitement and bravado accompanying the criminal act, while the moral goes unheeded. Their minds cannot logically reach the conclusion to which the chain of circumstances will drive the normal adult. A little questioning of such persons who attend moving pictures and read stories will indicate how different are the factors which impress their minds, from those which impress the intelligent adult. The failure to grasp the significance of the story is even more pronounced when it is conveyed only by the posters advertising it. Here it seems to be the rule to portray only the most exciting and glaring portion of the plot with no possibility of right interpretation. A survey of any group of posters advertising motion pictures, with only their direct appeal in mind, will show a surprisingly large portion of them suggesting murder, burglary, violence or crime of some sort. The pistol seems to be one of the commonest of the stage properties of the motion picture advertisement. And a very frequent pose is that of the frenzy of rage and the clinched fist ready to strike a blow. Those young people and even adults who are limited to the advertising posters for their entertainment may get evil and anti-social suggestions from them. Considering the almost unlimited audiences which the advertising posters command, their careful control would seem a greater necessity even than that of the play itself.

It is just on account of this susceptibility to suggestion that the mentally retarded criminal and the child criminal need a special kind of treatment and special courts to handle their cases. Indeed, much has been done in recent years toward the proper treatment of these two classes of criminals. What needs more emphasis now, however, is prevention, not cure. Proper control of their environment is the one factor which will do much to make these two classes respectable members of society instead of criminals.

There are many sources of evil suggestions which cannot be eliminated, so long as there are immoral and anti-social persons, and to that extent the atmosphere in which children develop and the feeble-minded live, must remain far below the ideal. But that is a good reason why those evils which can be eliminated should be. Such organs of publicity as moving pictures, newspapers, magazines, advertising posters and the like, should not be allowed to contribute to the necessary burden of evil suggestion by the character of their productions. The purely commercial spirit should be tempered by a spirit of social welfare and education.

The matters here discussed have not entirely escaped attention hitherto. For instance, there was introduced, some time ago, into the New York legislature a bill providing for the limitation by newspapers of publicity which may be given to reports of crime. The width and height of headlines for such material was specified. The nature of these provisions does not especially concern us here, but the fact that the matter is receiving attention is interesting.

These are preventive measures applied from the outside. The remedy should come from within. It can be done, and in fact has been done by newspapers. A survey, recently made of a large number of metropolitan newspapers, shows that they differ strikingly in the way they handle reports of crime. In some cases crimes are not featured in big headlines and favored positions, and

only facts that the public can profit by are printed. If the motion picture is to become an educational force that it is capable of becoming, the censorship must be an internal one. The old notion is outworn that it is necessary "to give the people what they want." It is the function of an educational medium and an entertaining medium also, to give the public what they should have, in order that they may learn to want it. The function of education is to create as well as satisfy wants. The future of the motion picture is limited only by the foresight of its leaders.

SAVE OUR CHILDREN²

The most significant phase of the motion picture problem during the past year has been the persistent filming of the most salacious books ever written. We have protested again and again, but in vain; and even today the industry is filming two more of these vile books —books that the average boy and girl would otherwise never have heard about. One of these is about to be released next week. The author of this book said he only wrote it to see how much the American public would stand. Samuel Goldwyn, the producer of this film announces that this very week, which we are devoting to child welfare, is to be nationally advertised by them as "Love Week," to be a natural forerunner for his film production. So while we are pondering on the problems which confront motherhood and our children; back in our home towns, they are working night and day, with their huge force of paid workers, to put our children in the proper state of mind to absorb and relish this new production: to bring the boys and girls down to the level of the moral standard of this film and to prepare their emotional forces for this latest money making scheme.

² By Mrs. Charles E. Merriam, national chairman of Better films committee. An address delivered at St. Paul, Minnesota, on May 8, 1924, before the National Congress of Mothers and Parent Teacher Associations and published in the *Educational Screen*. 3:188-91. May 1924.

The industry tells us that we should not mention these bad films—that we should spend our time advertising and praising their good films. You might as well say that the community should pay no heed to its criminals, and spend its time praising the good citizens. You might as well say that we should overlook the fact that a man is a thief and should not punish him, when he may have many good qualities which we could praise. You might as well say that when a man commits a murder, we should overlook that crime and talk only about his good deeds, for there is supposed to be good in all of us.

Has the foundation of law and order been based on this principle of praising the good qualities of our criminals and not punishing them for their crimes? Far from it—and everyone else must suffer for any transgression of the laws of humanity. We don't let a man steal and get away with it, because he shows us a clean slate or a good deed performed. Our government is forced to protect the innocent, law-abiding citizen from the guilty criminal—not to praise the good deeds of the guilty.

The producers excuse themselves by saying that the constitution allows them the privilege of "free speech." The constitution does grant us the right of a "free press." But the motion picture producers know that the United States Supreme Court has twice declared that the motion picture is not a press or news agency but is an amusement agency which the laws have always more rigidly controlled than the press. It is only a universal language in the sense that music and art are universal languages. Why then talk about the right of free speech, excepting to confuse those who do not stop to think?

We mothers, realizing that our children learn only by imitation and realizing that they learn mostly from their heroes, and realizing that these motion picture actors have become great heroes to our boys and girls, must

protest against the portrayal of so much crime, immorality and brutality on the screen. Nine-tenths of the acts our children see portrayed in the movies would bring them a jail sentence were they to do the same thing on the street, and then we mothers would be the ones condemned. The community cannot allow the children to see so much lawlessness and then blame the parent. It is the duty of the community to prevent this. How can our children understand the justice of our laws, when we not only *allow* but applaud their movie heroes when they portray all their crime, brutality and immorality, and then arrest the children when they attempt to imitate the act? Is that fair play? And oh, the suffering of these little ones who are brought before our courts of justice, dazed and amazed at our injustice to them. Why punish our little children who imitate, when we approve those who give them the idea?

The producers answer our protests by saying that they must film these bad books or go out of business,—that the good picture does not pay in box office receipts. Their own figures prove the falsity of this statement; for they issued figures from Hollywood last summer to show that the films that paid the best during July were the most wholesome pictures ever made, and of the ten which were the worst failures from the box office standpoint, none deserved patronage. So their own figures discredit their statement, and we wonder why they persist in their policy. Can there be any truth in the rumor that they are deliberately trying to break down the morale of our boys and girls? But suppose their statement happened to be true, is that any good excuse for their offense? The man who knocks you over the head and takes your purse can make more money as a thief than he can as an honest man, but do we condone him and excuse his act for that reason? Would he even dream of giving us that reason as an excuse for his crime? The man who cheats another out of his life's labors or savings can make more money that way, but does that excuse his act?

The producers frankly acknowledge they are only in the business for the money they can make, and care not for the morals of our boys and girls. It is not an art with them, it is purely a dollars and cents proposition, and they seem to think that the end justifies the means; and that as long as money making is their only incentive, they should be allowed to make it in the easiest, quickest way, by any method they choose and without any protest from the community, no matter what happens to our children.

You and I might possibly make more money if we violated and transgressed all our laws, for there are always those who are willing to pay high for the transgression. You and I might make more money if we put our little children to work in the movies and lived on what they brought in for we *also* have brilliant children. You and I might make more money if we turned into Fagins and taught our children to become pickpockets. You and I might make more money if we would sell our daughters into white slavery. Oh, yes, there are many ways in which you and I might make more money if we forgot all our principles and worshipped only the almighty dollar. But if you and I should lose all self-respect and forget our duty and our love for our little ones, would any one have a decent word to say about us? Would we even expect any one to say anything kind about us? You and I probably might make more money this moment if we would sell out to the motion picture industry and help to whitewash them in the production of these bad films, but we would expect our punishment ultimately: "For what does it profit a man if he gain the whole world and lose his own soul?"

But you and I are interested in the children who will be the citizens of tomorrow, and we are ready to protect them and fight for their welfare. There are only two things which mold a child in life—heredity and environment. Just as surely as a child mingles with criminals, or with vicious or immoral persons, just so surely will the

child be molded by them, and become like them. Today the community is trying to prevent the criminals from begetting children to inherit these tendencies. How absurd if we prevent criminals from begetting criminals, and then allow them to make criminals out of the children of the honest and law-abiding citizen!

Ben Hecht, who has recently been fined for writing improper books has this to say of the movie themes in an article published last month:

Evil in the movie plots is typified usually by sex. If you will keep track of the scenes you are shown in the movie plays you will find that two-thirds of them are theoretically lewd. Were the heroine involved a human being whose emotions and attitudes were not dictated by a moralistic plot, these scenes would be downright "obscene." The movies concerning themselves almost entirely with the triumph of Morality have revealed to the world an orgie of kissings, huggings and attempted rapes the like of which has never been known in any art or semi-art form of any other civilization. The movie producers observe only one law. This is the law of the Virtuous Finish. The average movie plot is based upon the vicissitudes of Virginity. The public discussion of female virginity, which preoccupies the moralist, is an intensely more sexual stimulus than the public discussion of prostitution or sexual promiscuity. Write your own psychological caption. If I were to draw a cartoon of the movie heroine, I would draw a picture of a pretty girl with her head buried in the ground offering the rest of her person as the battlefield of drama.

Remember this has not been said by a reformer, nor a prude, but by one who has been convicted of overstepping the bounds of propriety in his writings.

In our schools and churches and homes, we are helping the child to choose the best in life and to avoid the pitfalls. And then we allow the motion picture industry to defy all the standards and ideals upon which the nation was founded. This nation was founded on liberty, but it was the liberty of religious worship, and not physical license. Every business in the country is regulated by the government, and every honest business is glad of the protection it brings them. Our most esteemed bankers are

regulated and their banks are examined by the government regularly so that we may have confidence in them. The packers are regulated and the meat sent out is stamped with the government's approval to show that it measures up to our standards and will not harm our children; your lawyer cannot practice law until he has passed an examination given by your state to be sure that he measures up to your standard; your doctor and dentist must do the same; your teacher must also measure up to certain standards; and yet with all this evidence, this large industry dares to think they are above any regulation or any standards that we may demand for our children's safety and to preserve the morals of our boys and girls. If they were doing a legitimate business, would they be afraid of some supervision? If they thought it measured up to our standards, would they be so afraid of our supervision?

They talk about censors in such a scornful way, as if they were self-appointed moralists. You might as well say that the policeman is a self-appointed moralist because he is appointed to carry out our standards of right and wrong. We make the laws and ask him to enforce them. The same is true of so-called censors. We pass certain standards of morals as a community and then appoint people to interpret those standards and cut the pictures to conform to them. In order to preserve law and order, we must have officials to carry out these regulations. No one is above the law. So let us not be fooled any longer. Do we worship Gold or God today? If we prefer the gold, then let us drop our child welfare work, for we cannot conscientiously accept the gold with one hand, which destroys the work we are doing with the other. If we worship God, then we will think of his little children and we will protect them. We must choose now.

Most of the movie themes today show scant respect for law or government, nor for ministers of the gospel, for teachers in the school, or for parents in the home.

And do we wonder why the children are becoming lawless; and crime is so prevalent? According to average movie standards and teachings, no one obeys a law if it stands in his way of a good time; no one goes to church excepting the queer looking, hideously dressed people who are not attractive enough to go any other place; no child goes to school excepting to blow spitballs at an ugly teacher; every father falls for a pretty little flapper and forgets his home ties; and every mother is either a harsh and selfish individual who carries her bible in her hands all day, but strangely enough does not carry out its precepts; or else, if she is attractive, then she has many lovers, thinks of nothing else and spends her time in idle frivolity. One of our judges has just said we must teach our children the dignity of marriage if civilization is to survive. And yet marriage is shown as old-fashioned and merely an entangling convention. "Who'll be who's wife next season," as a sub-title, seems to be the proper subject of conversation. And the latest idea is to discuss marriage in the terms of dollars and cents and to decide if it is not cheaper to marry than to keep a mistress. They say, "What are a few old conventions these days? Let everybody live as he wants to and be happy." Ah, but there's the rub. Last week in Chicago, we had again the tragedy of the little inexperienced girl who tried this freedom and much heralded happiness. It ended in a double tragedy, and her family was glad when she came home in a coffin and the disgrace was ended. It always spells tragedy. And yet her diary disclosed the fact that she too expected that imaginary happiness. "Marriage," she wrote, "what is marriage but a scrap of paper? Do you think I would let that interfere with my happiness?" And the pity is that she is just one of the thousands who have suffered and who will continue to suffer whenever they chase those imaginary bubbles. Happiness is found in work and in unselfishly living for others. One must forget self to find happiness. They think of marriage

only in this selfish way and do not seem to realize that it was designed purely for the protection of the little children.

With all this evidence, can any one honestly believe that the motion picture industry is entitled to feel itself above our laws and regulations? For the sake of our little ones and future generations, can we afford to allow them free rein any longer? With all the power of their gold, you may think it is hopeless to fight on. But remember that we have something stronger on our side than money. We have right and right must prevail ultimately. Our mission is to make the world a better place for our children and our children's children. They are the most precious things in life. May we be given the strength to hold fast to our ideals, to fight for their protection, and to carry this particular fight on to a glorious victory.

MUSSOLINI ANGERED BY AMERICAN FILM *

American film officials in Paris are much concerned over the drastic action of Premier Mussolini in summarily dismissing the entire Italian Board of Censorship following a gala performance in Rome of an American super-film production to which the audience, largely made up of hundreds of prominent Italians, took strong exception. The picture is laid in Naples and, in the opinion of one outraged critic who attended the show, the only thing that saved the theatre from being "inundated under a Niagara of violent indignation" was the fact that the audience had been invited as guests of the management.

As it was, hissing and whistling, those two popular Latin forms of expressing strong disapproval, were frequent and long. The theme entirely distorted Italian life, cities and costumes, and passions, according to the same observer, and offended the Fascist feeling.

This makes the third European nation that has seen fit officially to register its deep resentment at a Hollywood

* *New York Times*. November 10, 1928.

product, the other two being Spain and France. It was the showing in France of an American film on life in the Foreign Legion that contributed considerably to the agitation that eventually led to the present severe French restrictions on foreign films, while in Spain one of the largest American film companies was barred from the Spanish market for many weeks.

CRITICS DEMANDED ACTION

Film men here are speculating over what measures, if any, Mussolini may take against the offending company. It is also feared that the Italian dictator will feel justified in turning over the whole censorship problem to a new State film monopoly, thus putting a powerful weapon in the hands of a body that has already shown a keen desire to cut down American film participation in Italian theatres.

The American film involved in this Italian situation, *Street Angel*, by the Fox Company, had a successful career until it reached the Italians. As customary, the American concern arranged for a special showing at the Capranica theatre, inviting a selected audience to attend. The critics who reviewed the film demanded immediate action by the Italian censors, at the same time criticizing all Italians who had anything to do with admitting the picture into Italy. Presumably the Premier was equally angry for, within a few hours after the performance he had signed the order dismissing the members of the board.

COMPLAINS OF BEFOGGED ITALY

Mario Carli, a well-known Italian film critic, is reported here as having written in *Impero*:

"The producers in Hollywood have nothing better to do than to bother themselves with distorting Italian life, costumes, cities and passions. Perhaps in the remote past conditions approached those shown in the picture, but in

Mussolini's Italy certainly nothing of that nature exists. Gypsies, underworld characters, prostitution, cheating, misery, vice, over-dressed peasants, gamin life, people in rags, filthiness, superstition, thuggery, human landscapes immersed in endless fog—even the classic sun of Italy was obliterated by Fox directors. Can you imagine an Italian seascape perpetually steeped in fog?"

Premier Mussolini's dismissal of his censorship board is the second radical step in Italy directed largely against American films this month. The other was an order banning the showing of all foreign war films except by special permission.

A COMMUNITY PROBLEM *

We wish to call attention to the very few films which can be endorsed for the family. When you bear in mind that, at the start of our reviewing three years ago, we could endorse about one-half of the output, and that during the past year we could endorse only about one-third of the output, and that now the per cent is so low that it approaches zero—we must surely realize that there is a great community problem confronting us; a crisis, if you will.

I have before me a speech that Mr. Will H. Hays made about a year and a half ago, and I want to quote briefly. He says:

And above all, perhaps, is our duty to the youth. We must have toward that sacred thing, the mind of a child, toward that clean and virgin thing, that unmarked slate,—we must have toward that the same sense of responsibility, the same care about the impressions made upon it, that the best teacher or the best clergyman, the most inspired teacher of youth would have. . . . We accept the challenge in the righteous demand of the American mother, that the entertainment and amusement of that youth be worthy of its value as the most potent factor in the country's future.

Please keep this quotation in mind and scan the movie advertisements with me today, the new films which are

* By Mrs. Charles E. Merriam. Report of the Chairman of the better films committee of the National Congress of Mothers and Parent-Teacher Associations. *Educational Screen*. 2:453-4. November 1923.

just being released: Elinor Glyn's *Six Days and Three Weeks*, *The Common Law*, Griffith's *The White Rose*, *The Merry-Go-Round*, (advertised as a story of the voluptuousness of Vienna before the war) *The Affairs of Lady Hamilton*, (which shows the illicit love affair between Lady Hamilton and Lord Nelson) *Flaming Youth*, and *West of the Water Tower*.

The community does not allow books like *The Common Law*, (which teaches that marriage is old fashioned), in the public library, but the community does allow a producer to take this book and film it for our boys and girls to see, and it is made so beautiful that any silly girl will say that it is more beautiful than any wedding she ever saw. Whose fault is it then if she emulates this? Why, the community's, of course, and that means you and me. And for the girl it means disillusionment and suicide. She pays for the sins of the community which allows these things to be shown to her.

Take the case of *Flaming Youth* and *West of the Water Tower*—said to be two of the rankest books published in recent years. These films are just released. The producers have made innocent scenarios from these books. But what happens to the boys and girls who see them? Statistics in our libraries and book stores show that whenever a book is filmed, the sale of that book jumps by leaps and bounds. So these boys and girls will be sent back to read the filthy books.

Shall we stand idly by and permit this destruction of the morale of our youth to continue? The producers have shown their insincerity of cleaning up their own industry. Every other business in the country is legislated [regulated] regarding our boys and girls—the most precious thing we have in life. The saloon was allowed in our midst, but boys and girls were not allowed in it. The poolrooms and dance halls were also barred from our boys and girls. We parents and guardians of children are even told by the community what our duty is towards our own children, and yet we allow the motion

picture industry to come into our communities and undo all the work of the good home, the good school, and the church. The responsibility is ours and we must not evade it much longer.

BRIEF EXCERPTS

The movies are bad. It is time we waked up to the facts.—*Editorial. Christian Leader. March 1, 1930.*

The movies are today the most important single destructive force in our civilization.—*Bernadine Freeman. Educational Review. 72:115. September 1926.*

Motion pictures have become the chief amusement of the great majority and the sole amusement of millions.—*Will H. Hays. Review of Reviews. 75:393. April 1927.*

Moving pictures are undoubtedly the easiest conceivable manner of registering impressions upon the mind.—*Boston Herald. December 18, 1925.*

Mr. Hays has never claimed at any time that he has ever killed a single immoral film.—*William S. Chase. Churchman. 141:23. January 1930.*

Motion picture manufacturers and exhibitors have stood shoulder to shoulder in their fight against legislation creating censorship of any kind.—*Sydney H. Coleman. National Humane Review. 7:106. June 1919.*

From fifteen to twenty millions of persons daily attend motion picture theaters in America, 75 per cent of them under twenty-four years of age.—*Dearborn Independent. 26:4. February 20, 1926.*

Do not adults need protection in this matter? The same general rules as to what is immoral, indecent, or dishonest apply to adults as to young people.—*Bortolo Belotti. Review of Reviews. 58:430. October 1918.*

It is asked whether Mr. Hays is employed by the movie industry at \$150,000 a year to act as a broom or a whitewash brush.—*Literary Digest*. 76:33. January 13, 1923.

The effect on youth of continually exalting useless, flippant, uninspiring types of men and women must be considered.—*Hamlin Garland*. *Literary Digest*. 80:28. January 19, 1924.

While the school is trying to train pupils to be critical and exacting in their own minds, the movie is pulling in the other direction in 80 per cent of the cases.—*Charles H. Judd*. *School Review*. 31:176. March 1923.

Fifty million people go to the movies every week and pay \$500,000,000 annually for the pleasure it gives them. That is in the United States alone.—*Edward G. Lowry*. *World's Work*. 50:330. July 1925.

When anything unusually vicious [in the movies] attracts attention, we hear, "This is what the public demands."—*George Arliss*. *Educational Screen*. 5:36. January 1926.

The fault is the excessive commercialization of ignorance and vanity as represented by those who make the movies.—*A. R. Pinci*. *Dearborn Independent*. 26:27. March 20, 1926.

The motion picture industry is going to get censorship, and real censorship, if it doesn't stop hamstringing the public.—*Editorial*. *Churchman*. 139:8. June 29, 1929.

Our reformers are seldom intelligent, but always industrious; a good many movie producers and some book publishers seem to be neither.—*Editorial*. *New York Times*. April 23, 1923.

Thousands of children in the cities go to the movies because its [sic] spectacular attraction overshadows more wholesome forms of play.—*Ernest R. Groves. Introduction to Sociology.* p. 393.

For nearly two decades the Board of Film Censors has been at work in England. During that time it has gained courage and strength, partly from age and partly from lack of protest from the film-going public.—*Nation.* 128:365. March 27, 1929.

Through their influence on the minds of millions, day after day, stupid motion pictures are affecting the character, little by little, of our entire citizenry. Literally, today, they are undermining America.—*Collier's.* 70:4. September 16, 1922.

Many of these pictures convey impressions to the immature mind which are positively morbid and unwholesome and which can easily become the germs of nervous and mental disorders.—*Joseph R. Geiger. International Journal of Ethics.* 34:73. October 1923.

While the appointment of Mr. Hays as movie czar was clearly an effort to forestall general censorship and has resulted in great improvements, it has by no means done away with the necessity for local censorship.—*Christian Century.* 44:40. January 13, 1927.

The best friend of the films hardly will deny that there are regrettable tendencies in motion pictures. Their worst enemy cannot say that these tendencies are being lessened by the censors.—*Channing Pollock. Current Opinion.* 62:408. June 1917.

Motion picture people generally would be just as well pleased to eliminate children entirely, if thereby they could get rid of censorship.—*Peter B. Kyne. Transactions of the Commonwealth Club of California.* 16:194-5. August 1921.

The longer Will Hays works with his problem the less confidence the public develops both in the sincerity of the man himself and in the sincerity of the interests that placed him in his present position.—*Editorial. Educational Screen.* 2:8. January 1923.

It is discouraging to realize that after three years of reputed supervision of the movie industry by Mr. Will Hays the moral character of pictures is certainly and rapidly degenerating.—*Almer Penniwell. Educational Screen.* 4:476. October 1925.

Any person brought up on the psychology of the movie world is unfit for life. The lower minds go to the movies, and the longer they go, the lower they will be.—*Earl Barnes. Educational Screen.* 5:36. January 1926.

I come to my main objection to the cinema. I regard it as standardizing the imagination of the white world, and standardizing it downwards; and as debauching the imagination of the brown, yellow, and black worlds.—*C. C. Martindale. Studies.* 18:446. September 1929.

We are constantly hearing about the educational possibilities of the motion picture. But there is apparently little or no effort on the part of producers or exhibitors to translate these potentialities into actualities.—*Joseph R. Geiger. International Journal of Ethics.* 34:74. October 1923.

Annual complaint. There hasn't been much excuse for enthusiasm in the movies this year. Instead of the progress which we reviewers are always glad to "note with satisfaction," there has been an actual retrogression which can only be "viewed with alarm."—*Educational Screen.* 4:60. January 1925.

We might as well try to sweep the incoming Atlantic tide back with a broom as to build up the moral char-

acter of our children while the present types of films are being shown promiscuously.—*Professor Richardson of Northwestern University. Educational Screen.* 4:550. November 1925.

The effort to absolve the legislature and the industry from all responsibility and to cast it upon parental shoulders is of course absurd and brands such expressions as the publicity of the representatives of the producers.—*William M. Seabury. The Public and the Motion Picture Industry.* p. 144.

Will H. Hays, Carl E. Milliken, and Jason S. Joy, three men whose occupation it is to shield, for enormous salaries, the panderers who have made their millions selling vice, crime, and sexual suggestion to a public that is in the main composed of the immature.—*Editorial. Churchman.* 140:8. July 13, 1929.

Feeling in England against American motion pictures as a means of perverting the morals of the young and generally undermining the old-time respect of the English people for law and order, is becoming acute. The matter has been debated in the House of Commons.—*Canadian Bar Review.* 4:116. February 1926.

In 1928 the Chicago censorship board made nearly 7,000 cuts from films. In four years, 1924-1927, the New York censors eliminated 4,825 scenes tending to incite crime and 3,763 as indecent, obscene, immoral, or tending to corrupt morals.—*Bishop Stires. Churchman.* 141:9. March 1, 1930.

The reason why the American people have so long put up with weak and often utterly stupid movies is that they have no training in the intelligent appreciation of movies. This new form of art with its infinite pos-

sibilities has come upon us with a rush, and we are ignorant and unappreciative of its possibilities.—*Charles H. Judd. School Review.* 31:177. March 1923.

The power to prescribe what the American public and the public throughout the world shall see in motion pictures rests in large measure with the four or five men mentioned by Mr. Connick who not only make the pictures but exhibit them extensively as well.—*William M. Seabury. The Public and the Motion Picture Industry.* p. 150.

The censorship question is very much with us. Hardly a day passes that some minister of the gospel or some public-spirited layman is not quoted in the newspapers to the effect that motion pictures should be strictly censored, that uncensored films are deleterious to public morals, that the children of the land are menaced.—*Katharine F. Gerould. Saturday Evening Post.* 194:12. April 8, 1922.

Thomas A. Edison declared before the Federal Trade Commission that the motion picture is the most perfect instrument for teaching. We get, he said, 80 or 90 per cent of our knowledge through the eye. His statements are proved by actual tests on children in his laboratory. Similar statements were made by John J. Tigert, United States Commissioner of Education, and others.—*Dearborn Independent.* 26:4. February 20, 1926.

In movieland today there are actors and actresses Catholic-born who are a discredit to the Church. Contaminated by association with others in the profession, they stoop to practices that no decent movie fan can long endure. The public is decent at heart. It can stomach only so much scandal!—*Catholic Vigil, Grand Rapids, Mich. Reprinted in the Catholic Universe Bulletin. Cleveland, Ohio.* January 4, 1929.

Let it be granted at once that the majority of motion pictures made today are crude, untrue, and inartistic; the same percentage of unexcellence will be found in the arts of the novelist, the dramatist, the painter, and the musician. What were these arts like when they were only fifteen years old, and which of them has reached the whole people?—*William C. de Mille. Scribner's Magazine.* 76:231. September 1924.

George Bernard Shaw today delivered a severe censure on the “anarchical” type of American films. He added that really dangerous productions, “such as American films with their anarchical doctrines of heroes who were permitted to break all law and order, even to kill, in the name of love,” were allowed to continue without any attempt at interference.—*New York Times.* June 25, 1926. p. 3.

In practically every sizeable community of the United States the weekly capacity of the moving picture houses now exceeds the total population. What an opportunity for systematic education. Yet most of the films shown in these theaters are neither bad nor good. Constant observation of them must be demoralizing. The human mind has a truly remarkable capacity of resisting, unscathed, the impact of enormous masses of drivel.—*Sunset.* 37:31. July 1916.

Your intelligence is insulted every time you go to a movie,—or, that is pretty strong, not every time you go, but quite frequently. In the movie industry there are a great many ignorant people. Their ignorance in many cases is so abysmal that one wonders at it. You feel that they could not have been born with it, that it must have been acquired.—*Peter B. Kyne. Transactions of the Commonwealth Club of California.* 16:192. August 1921.

Three hundred twenty-five thousand men and women are directly employed in the task of providing amusement on the screen to audiences which total 120,000,000 a week in this country. The total investment in the industry exceeds \$2,000,000,000. Twenty-five thousand miles of film pass through American exchanges every day. The United States produces 85 per cent of the world's motion pictures.—*Carl E. Milliken. Congressional Digest.* 7:302. November 1928.

In 1924 our Chicago Board of Censors deleted 1811 scenes of assault with guns with attempt to kill; 757 scenes of attacks on women or attempted rape; 173 scenes of horror as poking out eyes, cutting off ears, etc.; 34 train hold-ups; 37 scenes of dynamiting safes and bridges; 31 scenes of jail breaking; 929 scenes of nudity and many other similar scenes. These deletions were from 788 pictures only.—*Educational Screen.* 4: 475. October 1925.

There has been a refreshing response by way of comment and approving republication of the *Churchman's* editorial holding Will H. Hays responsible for the degrading influence of the movies in this country. . . From his position in politics and religion he was frankly accepted as one who could clean up conditions that smelled to heaven. The facts show that he has failed of his mission, if he ever tried to fulfill it.—*Editorial. Churchman.* 140:8. July 6, 1929.

Through the movies the whole standards and ideals of a people can be changed. Through them can be spread foulmindedness as easily as cleanmindedness, obscenities as well as decencies. If we want to perpetuate fair play, orderliness, honesty, modesty, and humane attitudes, we can do it readily by this means. Apparently we have not yet realized the power of this instrument which science has placed in our hands for good or evil.—*Joyce O. Hertzler. Social Progress.* p. 256-7.

✓ Of the evil effects upon the young of the realistic reproduction of criminal happenings there can be no doubt. If so much attention has been paid to the influence of criminal pictures and criminal literature, it should be realized that the exact and vivid reproduction of all the details of a crime, from its preparation to its execution, must have much greater influence for evil than even the worst books and pictures that fall into the hands of children.—*Bortolo Belotti. Review of Reviews.* 58:430. October 1918.

The excuse is often advanced for some of the pictures portraying the sex problem that they have an educational value in the interest of good morals. There is an element of truth in such claim, depending, however, upon the audience. Unfortunately the appeal is often to a baser side of human nature, a fact recognized by the producer in the titles and advertising signs by which he attracts an audience.—*Thomas D. Boardman. Transactions of the Commonwealth Club of California.* 16:183-4. August 1921.

I wish indeed that the important educational instrument, the moving picture, was not so frequently used in foreign countries to give false impressions of American life. It is most discouraging to reflect upon the extent to which the best efforts of educators and the men of public affairs are thwarted by the subtle influences of a pernicious distortion among other people with respect to the way in which our people live and the prevalence here of vice and crime.—*Charles Evans Hughes. Seabury's The Public and the Motion Picture Industry.* p. 156-7.

✓ The movie contains the most sexually suggestive elements. It shows lawlessness and crime in all their horror and brutality. It pictures drunkenness in its most licentious aspects. Home and family relations are made subjects of jests and ridicule. The portraying of the sinister aspects of crime, drunkenness, and the rest, does

not act as an object lesson to the adolescent. Quite the reverse. The movie serves to glorify indecency and immorality solely by its graphic presentation. Small hope of any object lesson there.—*Bernadine Freeman. Educational Review.* 72:117. September 1926.

Meretricious pictures which spread crime and shame before twenty million American people every day is the fourth or fifth largest business in the United States. The men behind it control long lists of movie houses. This wealth owes its creation to a deliberate policy of corrupting public morals. ✓ Will H. Hays and Carl E. Milliken, respectively prominent members of the Presbyterian and Baptist Churches, are employed at large salaries to protect the insiders from censorship and consequences by making pious faces for pay.—*Editorial. Churchman.* 140:8. July 20, 1929.

The movies of today are a vast industry supplying the nations of the world with a standardized, machine-made entertainment. The standards are those demanded by the world market which the industry serves. Consequently they are inevitably determined by the lowest common denominator of the movie-consuming intelligence of the moment. It is said that the American hick is the arbiter of taste, who dictates the fashions of Hollywood, because today his appreciation of a picture spells its success or failure.—*Alexander Bakshy. Nation.* 127:360. October 10, 1928.

Hays's zeal in barring extreme salaciousness is based on the universal motion picture terror of further censorship, federal or state. He was hired—hokum aside—to block additional government supervision, to tame radical spirits among the producers, to prevent trade practices which cause expensive litigation, and to use his influence as an important politician of the party in power, and to prevent the Actor's Equity Association from organizing motion picture actors and extras. His new contract, in-

creasing his compensation to \$150,000, was negotiated only two years ago and runs to 1936.—*Henry F. Pringle. Outlook.* 148:576. April 11, 1928.

The screen speaks a universal language, familiar and understandable to all people. This is the most important reason why the motion picture is so closely interwoven with the fabric of society. The total number of admissions to motion picture theaters in New York State alone amounts to more than 6,000,000 a week. More than 900,000 of these admissions are children under 16 years of age. It is important, therefore, that the motion picture reaching and making a profound impression upon so many people at least be of such a character that it will not corrupt morals or incite to crime.—*Report of the Motion Picture Division. New York.* 1928. p. 316.

In speaking before the International Boys Work Conference, called by the Rotary International, Prof. Edward A. Ross of the University of Wisconsin, said, "Never has there been a generation so much in revolt against their elders as this. In my judgment this psychic revolt springs chiefly from the motion films, with some aid from the automobile. We have a generation of youth sex-excited, self-assertive, self-confident, and parent-critical. There can be no doubt that the arrival of overwhelming sex desire in the boy's life has been antedated by at least two or three years, thanks to stimulation from the films."—*Educational Screen.* 5:35. January 1926.

Evidence of the demoralizing and degrading effects of the sex-inspired picture on the youth of the land is to be seen on every hand. Immodest clothes, indecent dancing, promiscuous drinking parties, midnight joy rides,—these things are not superficial and isolated evils to be railed at and combated one by one. They are rather an expression of the spirit of the times, a spirit of immodesty and irreverence and lawlessness generated in part, at

least, by the unparalleled assault which, for a decade or more, has been made, through the motion picture, on society's most valuable asset, namely, its innocence and its youth.—*Joseph R. Geiger. International Journal of Ethics.* 34:79. October 1923.

Bolivia and Venezuela are smoldering volcanos which are liable to erupt at any moment. Argentina is also one of the danger points in South America. These three countries must be watched very carefully because there is a great misunderstanding between them and the United States and this may cause trouble. Unfortunately South America gets its impressions of the United States from the movies and our scandals. Our movies convince the South Americans that we are a highly immoral people because we don't have the chaperonage custom that they have. Then, too, all our scandal is cabled to them.—*John R. Scotford. Cleveland Plain Dealer.* January 26, 1929.

It shall be unlawful for any person to deposit or cause to be deposited in the United States mails for mailing or delivery, or to deposit or cause to be deposited with any express company or other common carrier for carriage, or to send or carry from one state or territory of the United States or the District of Columbia to any other state or territory of the United States or the District of Columbia, or to bring or to cause to be brought into the United States from abroad, any film or other pictorial representation of any prize fight or encounter of pugilists, under whatever name, which is designed to be used or may be used for purposes of public exhibition.—*Act of Congress. Passed July 1912. Statutes at Large.* 37:240. *U.S. Code, Title 18, sections 405-7.*

The moving picture can convey thought, feeling, and knowledge easily, instantly, to every age, class, race. It is the long sought universal language. The monopoli-

zation of this art by cheap entertainers has blinded us to its greatest possibilities. As a means of communication it is more forceful than words. Before, while, and after a child learns to read with ease and understanding a wide substratum of knowledge can be pleasurable acquired through the daily use of moving pictures. Practically all the informative part of education could be thus furnished and absorbed without the waste of nerve-force so painfully visible in our present methods.—*Charlotte P. Gilman. Century Magazine.* 110:707. October 1925.

In the five years and eleven months, from August 1, 1921 to June 30, 1927, the Motion Picture Commission of New York State and its successor, the Motion Picture Division of the State Education Department, examined 17,804 films. Of these 14,188, or almost 80 per cent, were approved without eliminations. Only 170, or less than 1 per cent, were condemned in toto. From 3446, or almost 20 per cent, 17,813 eliminations were made, 14,600 of them being eliminations of scenes and 3213 being eliminations of titles. The reasons for the eliminations were that the censors found the films indecent, inhuman, obscene, immoral or tending to corrupt morals, sacrilegious, or tending to incite crime, and sometimes eliminations were made for more than one of these reasons.—*Compiled from the Official Reports.*

Young people and old are getting a type of mental training at the moving picture theater which is fixing mental habits to a degree which we have not been recognizing as we should. Let us put as pointedly as we can the antithesis between the ordinary moving picture and those forms of thinking which the school tries to cultivate. The school teaches the child that he must control his imagination so that the things which he builds up in his mind conform to reality. What does one learn at the ordinary movie? One becomes accustomed to the

most extravagant modes of life, to the most improbable happenings, to unearned success, and to every possible escape from natural law.—Charles H. Judd. *Educational Screen*. 1:152. April 1923; *School Review*. 31:175. March 1923.

Moving pictures are coming to fill a large place in the recreational life of the people. They are very entertaining, because of the appeal they make to the eye. How much more instinctively the eye follows the moving object than it does the printed page. For this reason they are destined to be one of the greatest educational devices ever invented. The difficulty at present is that films having a bad moral influence are too often shown, though there has been a great improvement in recent years. The influences and measures that are being used in various places to refine and improve the movies are too numerous to describe here. Some thoughtful persons believe that the movies ought to become public institutions like the schools, instead of remaining private enterprises run for profit.—Ross L. Finney. *General Social Science*. p. 167.

The motion picture is a great invention, and it has become a powerful factor for good or bad in our civilization. It has great educational power for good or bad. The business has been conducted, generally speaking, upon a low plane and in a decidedly sordid manner. Those who own and control the industry seem to have been of the opinion that the sensual, the sordid, the prurient, the phases of fast life, the ways of extravagance, the risqué, the paths of shady life, drew the greatest audiences and coined for them the most money, and apparently they have been out to get the coin, no matter what the effect upon the public, young or old. When thoughtful people have suggested or advocated official censorship, in the interest of good citizenship and wholesome morals, the owners of the industry have resented it.—Senator Henry L. Myers.
- *Congressional Record*. 62:9656-7. June 29, 1922.

As a part of this enlargement of interests foreign to the home, a distinct place should be given to the increase of the attention paid to amusements. The current popular amusements, especially the movies, are prone to be cheap in content, even if not cheap in money, and tend to disorganize the more worthy elements and to lower the moral standards of the family. If the influence of the movie is one-fourth good it is three-fourths bad for the family. If it gives interest to a family of an evening, it tends also to separate the members from each other, to familiarize them with crimes and with methods of committing crimes, to lay emphasis rather on the bold and the daring than on the noble and the beneficent, to give irregular and ill-adjusted knowledge without disciplining the reasoned judgment.—*Charles F. Thwing. Current History.* 19:593. January 1924.

The motion picture has come to be recognized by people who are familiar with the industry as one of the greatest agencies for good and evil that exists today. The statistics show that one million people, or one-tenth of the population, see motion pictures each day of the year in the state of New York and about fifteen million in the United States. There is no avenue of communication equal to it. No method is known by which a message can be conveyed to so many people in so short a period of time. The power of the motion picture is understood by but few people. Its appeal is so direct and so easily understood by all people that its influence is incalculable. It attracts the attention of the children and of the illiterate and carries its own interpretation. The industry is young and has had a remarkable growth. Today, the motion picture is the principal amusement of the great majority of our people and the sole amusement of millions.—*Annual Report. New York Motion Picture Commission.* 1922. p. 7-8.

In discussing public opinion we should be much concerned about the low level on which it exists to-day.

Note the captions that appear in the motion pictures, and for that matter the pictures themselves. Why is the motion picture what it is? The answer I think is obvious. The trouble with the motion picture is the audience. We have here a new fact in the history of art. All previous movements in art necessarily had to appeal to the cultured few, and hence the works of art reflected the mentality of the persons for whom they were created. With the coming of the motion picture and its quantity production, it was necessary for the first time in history—at least modern history—that a form of art make its appeal to the man on the street. It was obliged, therefore, to present those things which reflected this man's mentality. If you want to know what public opinion in America is, go to a movie.—*Everett D. Martin. Psychology: what it has to teach you about yourself and your world.* p. 198.

The motion picture business is the fourth largest industry in the United States, and is valued at \$1,500,-000,000. The master mind and controlling power is one Adolph Zukor, a Hungarian immigrant who came to this country when he was sixteen. He became such a dominant figure in the movie trade that the Federal Trade Commission in Washington has charged Zukor's organizations with monopoly of trade. An amazing story of intrigue in the movie trade has been constructed out of the Government's investigations. Coercion, intimidation, and conspiracy are charged. It is estimated that twenty million Americans attend the films daily. This means an average of one from each family in the country. About \$1,000,000,000 is paid yearly for movie admissions. The Government claims that Mr. Zukor's monopoly of trade and his bulk-sale practice forces theater owners to show poor pictures intermingled with the good, or not to get any good ones at all.—*Ernest W. Mandeville. Outlook.* 141:472-7. November 25, 1925.

The prevalence of the cheap, the nasty, and the suggestive in our commercial showings is the bane of this popular amusement. The person with high ideals and a moral repugnance for the vulgarities and obscenities with which the modern producer of motion pictures feels it necessary to fill even his greatest films is continually offended by these features. The danger for the mass of folks is that this lower standard be accepted—at first uneasily, then from habit, and finally with dulled and consenting conscience—and the whole picture business be permitted to continue without protest its present trend. The fact is well known by those familiar with motion pictures that the productions of the last few years are distinctly lower in standards and more offending to the decencies than those of a few years ago. All the restraint of modern censorships and the much-boasted control of Mr. Hays have been unable, apparently, to stem this tide.
—*Rev. William S. Mitchell. Literary Digest.* 102:30. September 21, 1929.

The producers recognized the evil of bad pictures and the spread of what they termed "censorship" and organized, a few months ago, a corporation known as the Motion Picture Producers and Distributors of America, Inc., and placed at the head of the organization a distinguished citizen who has sought the cooperation of the people generally in what he calls "making the screen clean." There are a great many producers and distributors who are not affiliated with the organization referred to and over which it has no jurisdiction. Neither has it jurisdiction over the films made in foreign countries which, in many instances, are objectionable and should not be exhibited here. The foreign films are often made by people who are not familiar with our institutions and are made to suit the tastes and requirements of the people where they are produced. Many of the foreign films which are brought to our

shores are decidedly un-American and should not be exhibited here.—*Annual Report. New York Motion Picture Commission.* 1922. p. 8.

This is a movement to stop the commercializing of the Sabbath by the moving picture trust and the theatre corporations. It is only that and nothing more. What do the movies propose to do with the American Sabbath? Commercialize it, capitalize it, turn it into a secular day, a degrading day when people congregate to admire the Arbuckles, the Charlie Chaplins, the Pickfords, the types who practice consecutive polygamy by changing husbands over night and swap wives as we used to swap horses. The movies as now conducted are not Sunday institutions. It must fall into different hands before they are. The small group that bought up the liquor interest fifteen years ago and started the brewery-owned saloon with its brothel accompaniment, and its gambling hells, has transferred its interests to the movie film production; they are exceeding the speed limit in their rush to sex plays and general indecency. They see nothing but the dollar and think they can get it faster by appealing to the low and the vile. Let them make their money on secular days, not invade our holy days.—*Clarence T. Wilson. Sunday and the Movies.* p. 2.

Raymond Baldwin, fourteen year old son of Mrs. Eva Baldwin, corroborated the testimony given last night by his mother, that they saw "Iron Irene" fire the shot that killed the state highway patrolman. Raymond testified that a woman, whom he identified as Mrs. Shrader, stepped from the car, shoved a gun into Corporal Paul's stomach, backed him against a telegraph pole, and held him there. He turned his attention to the gun fight between Patrolman Moore, Corporal Paul's companion, and the mysterious man who occupied the back seat of the car in which Irene and two companions were fleeing from a holdup in Butler. Raymond told in great detail

how Moore dodged behind the radiator of the car as each shot crashed through the windshield. "Gee Whiz!" the boy exclaimed after he left the witness stand, "I didn't know what was going on. The police had been stopping automobiles for twenty minutes before they stopped the Chevrolet. Then the woman got out, and—gee! it looked just like a movie. She had a big revolver in her hand. I could hear what they were saying, and the big tall fellow [Corporal Paul] just dropped right down. She shot him in the stomach."—*Cleveland News*. March 14, 1930.

For months past the *Churchman*, the weekly publication of the Protestant Episcopal Church, has been conducting a campaign for decency in motion pictures. It is a battle in which other church publications, notably the *Christian Century*, have also been taking a very effective hand. The *Churchman's* campaign evidently is meeting with a due degree of attention, for it seems that it is now being threatened with libel action by the motion picture interests. Through an attorney Will H. Hays, "czar of the movies" and a target for much of the Episcopal paper's assaults, has demanded a blanket retraction, lacking which warning has been given that the *Churchman* will be sued. It is ridiculous for movie magnates to attempt to suppress, through threats of libel suit, criticisms of the types of shows which they purvey to the public. Certainly the American movie needs great improvement. All too often the picture of life which it presents is inept, unfortunate, incompatible with the truth, and calculated to work harm on immature minds. Suits at court will not cure the movie's evils. That can only be done by elevating the type and improving the pattern of the motion picture.—*Editorial. Chattanooga News*. March 18, 1930.

Certain recent tendencies are observed by those who are especially interested in the welfare of children and young people. In an effort to trace effects back to the cause, a survey covering a large section of the country

was made of moving pictures. When duplicates were eliminated it was found that there were reports on four hundred four films. Thirty-five of the films observed were free from objectionable features. Part of the thirty-five, however, while they did not contain any of the points mentioned in the questionnaire, were nevertheless namby-pamby or insipid and hence are doubtful as to the influence exerted. The remaining three hundred sixty-nine [or more than 91 per cent of the total] each contained one or more objectionable points. Sometimes all of the ten that were included in the questionnaire were found in the same film. A careful consideration and classification of these hurtful elements is here given. . . When all of the findings of this investigation and survey are pondered with care it is very clear that a condition exists that is serious and that challenges intelligent and earnest consideration in order that sane and wise action may be taken and that an adequate remedy may be provided.—*Minnie E. Kennedy. The Home and Moving Pictures.* p. 13-25.

The motion picture is the most valuable contribution in recent years to education. The movies have come to stay. They meet a demand for popular and cheap entertainment. Their possibilities are unlimited for either good or evil. They portray upon the screen scenes of beauty and inspiration, comedy and tragedy, the highest order of the drama, and occupational industries making real before the eyes of the spectator the methods of manufacture of many common commodities. Unfortunately, this same agency is frequently prostituted by the presentation of crime, vice, degradation, squalor, filth both physical and moral, tragedy, debauchery, relationships between the sexes in filmdom which would not be tolerated off the movie stage and among people generally; scenes of robbery, theft, gangster plots, infidelity, attitudes between men and women which if practiced in ordinary life would land such persons in the

penitentiary; crimes against the person and crimes against property. Police methods used in the detection of crime and the apprehension of criminals are held up to light and ridicule, thus offering to the untutored embryo offender a finished course of instruction.—*Oliver C. Laizure. Transactions of the Commonwealth Club of California.* 16:184-5. August 1921.

The moving picture industry is still primarily a part of the amusement field. As such, the ideals of the purveyors of amusement for profit are not and cannot be the ideals of those interested in the moral, educational or cultural development of the people. The increased and universal influence of pictures on the public charges the people who make and exhibit them with a public duty and obligation. That they have an increasingly important public duty and service to perform and that the picture industry as at present constituted is not discharging that duty has become self evident. No reconstruction or voluntary self-correction can or will come from the industry itself, and if the morals of the youth of the country are to be safeguarded, if we are to prepare for the time when the power of the screen centralized as it is in the hands of a few may be used for partisan, political, or worse purposes, if we are interested in the prevention of the use of the screen for anti-American propaganda, in short, if we are interested in the preservation of the freedom and integrity of the screen, the time has come to seek remedies outside of and disassociated from the industry.—*William M. Seabury. The Public and the Motion Picture Industry.* p. 158-9.

And no man or corporation, producer or distributor, is going to object to a bill of lofty standards like this except a somebody who wants to produce and distribute unclean and degrading pictures. The motion picture business should be reminded also that it does not have to appeal to tastes and passions that are described by the

Bible as "sensual and devilish" in order to win success. The greatest runs that have ever been thrown on the screen have been pictures whose very purity and loftiness constituted their chiefest fascination. The motion-picture business has proven itself very ungrateful. Millions of dollars have gone into its coffers that used to go over the counter of the saloon, and yet it is the almost daily custom of the screen to reflect in every possible way upon our prohibition law, which was enacted by due constitutional process. Illicit drinking is thus encouraged and a general spirit of lawlessness engendered. The god-fearing, law-abiding masses of America are getting righteously tired also of the insidious reflections on Christian ministers and on the essence and spirit of vital Christianity. We love the motion-picture business too well to see it destroy itself by its own wanton mistakes. For the sake of our children and our country's purity, security, and perpetuity we want it cleaned up.—*William D. Upshaw. House Hearings. 1926. p. 25.*

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We immediately feel that the argument is wrong or strained which extends the [constitutional] guaranties of free opinion and speech to the multitudinous shows which are advertised on the bill-boards of our cities and towns and which seeks to bring motion pictures and other spectacles into practical and legal similitude to a free press and liberty of opinion. The judicial sense supporting the common sense of the country is against the contention. The exhibition of motion pictures is a business pure and simple, originated and conducted for profit, like other spectacles, not to be regarded, nor intended to be regarded by the Ohio constitution, as part of the press of the country or as organs of public opinion. They are mere representations of events, of ideas and sentiments published and known, vivid, useful, and entertaining no doubt, but capable of evil, having power for it, the greater because of their attractiveness and manner of exhibition. It was this capability and power,

and it may be in experience of them, that induced the state of Ohio, in addition to prescribing penalties for immoral exhibitions, as it does in its Criminal Code, to require censorship before exhibition, as it does by the act under review. We cannot regard this as beyond the power of government.—*From the unanimous decision of the United States Supreme Court. Mutual Film Corporation v. Industrial Commission of Ohio.* 236 U.S. 230, 243-5. February 23, 1915.

AFFIRMATIVE DISCUSSION

WHAT ARE THE MOVIES MAKING OF OUR CHILDREN?¹

If the making and exhibition of moving pictures is the fifth or fourth industry in the country, as producers of film often say, its importance from the standpoint of business cannot be easily over-rated. They declare, too, that one out of ten persons in our American states—men, women, and children—goes into a picture house daily. We export enough film to Europe, Asia, Africa, Latin America, and the South Seas in a year to girdle twice around the earth at the Equator. The trade spells wealth to large numbers of people identified with it, just as it also means entertainment to the multitudes in this and other countries who watch its reels unfold their endless story of adventure and romance.

One must wonder what changed consciousness, what altered outlook comes to those who live in this shadow-land. Is there net gain in it? We constantly hear that there is harm in film, or in some portions of it. Producers in their comedies are vulgar. Their film stories are often set in the underworld. Boys, getting the suggestion from the cinema house, become amateur highwaymen. Those who have evil instincts see all manner of crime, indeed, the detailed illustrations of feasible methods of committing it. Keepers are told by inmates of reformatories and penitentiaries that they were prompted to wrong doing by looking at moving pictures. Adolescents are fed upon sex stories and are excited to sensuality and passion. The pretty innocence of young womanhood, the chivalry of young manhood are swept away. Under the masque of instructing girls about white slavery or the dangers of

¹ By Ellis P. Oberholtzer, Secretary of the Pennsylvania Board of Motion Picture Censors. *World's Work*. 41:249-63. January, 1921.

malpractice, and boys about offensive infectious diseases, film which never should be shown is widely circulated.

On the other hand, everyone, everywhere, acclaims the "news picture" as the readiest and the most vivid way of getting an account of the principal happenings in all parts of the world. Camera men, like Associated Press correspondents, are on the ground to record each event, transcribe it and hurry their film to the picture companies of New York. The scenic or magazine picture, sometimes in color, is educational in a wholesome way. The actual scenes of mountain and river, valley, field, desert, lake, and waterfall, of peoples, buildings, and things, near and far, indeed unto the remotest ends of the earth, are reproduced with a fidelity which commands our enthusiastic admiration.

The picture play carries a message of hope and cheer into the lives of masses of men and women, particularly when they are consigned to the dreary routine of hamlets to which other dramatic entertainment never comes. To the people of many a little town, the film is at once their art, drama, literature, recreation and education—their only point of contact with the cultural world. It would be hard to think of any invention of modern times in our great assortment of improvements which has it in its power to lay so much at the door of humanity. On a strip of celluloid ribbon, no wider than a redding-comb, and wound on spools which are unwound and rewound night after night until they fall to pieces and then are replaced by similar prints from the "master negative," so long as it endures, a story goes over the world bringing the entertainment imprisoned underneath its surface to millions of people.

The actor on the stage spoke to a few hundred, and himself traveled to reach a few hundred more. But now his picture travels. It is seen, it may be, a hundred or two hundred times simultaneously in as many places in his own country and in a score of foreign lands. Such

an influence rivals that of all the stages, pulpits, lecture platforms, newspapers, and books hitherto known in the world. A picture company which issues a news reel each week announces that it has twenty-nine million readers. A popular photoplay comes before as many pairs of eyes. "Rags" and "Suds," many a Chaplin comedy and "Bill" Hart "Western" have been seen by ten times twenty million. "The Birth of a Nation" has given American history (false and true mixed together) to more of the world than have all the text books in all the schools. The acting, the sumptuous indoor sets, the outdoor scenery, remarkable for its variety, the latest mechanical lighting effects, entertaining incidents, dramatically arranged, have widened the experience, quickened the imagination, and satisfied the craving for romance of multitudes who are deprived of the education that comes of books, travel, and human association, and who but for this agency, would live and die in constricted little circles of duty and work into which they were born.

Such a service is of infinite value. It is easily appraised and can be cheerfully acknowledged. It would not seem any the smaller or less important if we study a side of the development of the film business which points in another direction. The good only makes clearer the wrong of using this influential agency for personal ends, for turning it, as in so many outstanding cases, to the selfish account of greedy and conscienceless men. In the whole product each year there is a quantity of material which is manufactured with the primary intent of making money out of the salacious tastes of the people. The producers of such films, as everyone at all familiar with the facts knows full well, are not acting in the interest of any dramatic end. They select a theme and give it settings with the object, principally, of lining their pockets without regard to the public welfare.

A picture which is made to bear the name of *Tainted*, *Hell Morgan's Girl*, *The She-Devil* (I know two separate

pictures of this name), *Shackled Souls*, *The Scarlet Woman*, *The Mortal Sin*, *The Courtesan*, *The Libertine*, *The Littlest Magdalene*, *The Sin Woman* by its very title appeals improperly for public support.

Even when a film story is adapted from a well known play, opera, or book, it may be given a new name for commercial purposes. I have in mind *La Gioconda*, which, when "picturized," became *The Devil's Daughter*, *La Tosca* made into *The Song of Hate*, and *The Jewels of the Madonna* which was offered as *Sin*. More recently Barrie's *Admirable Crichton* has been filmed as *Male and Female*, Clyde Fitch's *The Bachelor* is *The Virtuous Vamp*, and a story founded upon the play, *Du Barry*, is *Passion*. The picture itself may be unobjectionable; it may indeed have positive value. The disheartening, really disquieting symptom, when we diagnose the case, is that those who are in close touch with our amusement business and follow it for gain feel that they must resort to such contemptible devices to attain success.

So, too, will recourse be had to unfair, if not false, advertisement for the sake of what the picture man calls "ballyhoo." I do not allude so much to the appearance of "bathing girls" in the street or in the foyer of a theater, or special advertising schemes of this kind, as to the placing upon highly colored posters, which flare in front of our picture houses, of sensational, if not lecherous, scenes to arrest the attention of passers by. It may be that the views which are depicted do not appear in the film at all. The unhappy fact is that the maker or distributor of the picture is of the opinion, as a result of more or less broad experience, that such appeals are strong, and that thus shekels may be taken in, when there are not outstanding attractions of an honest kind to sell his wares. And by good fortune there are other attractions.

Though the name of a book or play is at times discarded, at other times this name is accounted to have great value. A star or a company of stars may seem to

enjoy favor enough to draw a crowd to the door. It is assuring to know that Mrs. Humphrey Ward's *Lady Rose's Daughter*, and *The Servant in the House* of Rann Kennedy, to mention very recent cases, have been held to need no such extrinsic advertisement and that players who are always in clean pictures like Mary Pickford, Douglas Fairbanks, and Marguerite Clark, in whatever they may be seen, have had enormous popularity. With such instances in mind the conclusion is inevitable: that there has been and that there still is a substantial demand for the good and the legitimate on the motion picture screen.

I have often been told, when I protested against a particular scene in a film, that this is but a transcript of what is described in a newspaper or magazine. Conditions are very different; the analogy is false. A printed line may tell of the birth of a child; a photographic depiction of the processes of childbirth is another matter. An assault upon a woman may be alluded to in print; it may indeed be the climax of a story. But to photograph the last details of such an attack and reproduce each movement in the graphic method of the "movie" is to offend good taste and often good morals. To declare that a man opened a window and "cracked" a safe is a usual communication but to put the description into film with the reality of the actual robbery may be too instructive to those who may see the ease and entertain the advisability of imitating the feat.

"Boss" Tweed said when he offered Thomas Nast \$500,000 for ceasing to caricature him and his companions in thievery in Harper's Weekly—"I don't care so much what the papers write about me—my constituents can't read; but they can understand pictures."

So it is with the "movie." It can be understood by persons of the lowest degree of intelligence and by children. They can sit in cushioned seats and look, to the accompaniment of music, at the vivid and seductive representation of scenes upon the screen for hours together,

though they may not be able to read a line of print. We have begun to use film to instruct strangers from other lands as to our American institutions. They are being shown on ship board before they land at our ports what we conceive it to be good for them to know. What then must be the effect, if we shall set before them, after their arrival upon our shores, the unrestricted offerings of picture producers in whose hearts and minds there is an absence of responsible feeling—pictures of crime and more crime in infinite variety designed to create dissatisfaction, it may be, and certainly to suggest a defiance of the orderly restraints of society!

I have never seen the running off of a crime serial without being induced to grave meditation. The story in sixteen or eighteen episodes, two reels of which are shown on a Tuesday evening, leaving the hero or heroine, as the case may be, under a crushing machine, or in the track of a stream of acid, or confined in a sewer amid serpents, to be rescued in two reels on the Tuesday following only to be hurled in turn into some similar predicament, is an achievement on the part of our picture men of which they are frankly ashamed. No one can doubt this, yet few companies feel that they can present a favorable balance sheet at the end of the year's business without constantly carrying along one or more of these preposterous continued stories.

Frequently we are asked if there is not a film which is made for children "movie" fans. This is it. And also there is the "slap stick" comedy which Charlie Chaplin, "Fatty" Arbuckle, Mabel Normand, and Ben Turpin invented, and many like them carry on ad infinitum; these must be accounted to be the screen's contribution in this field. The weary indulgence with which a boy or a girl usually sits through a five or seven reel sex melodrama, awaiting the next thing on the program, the reception which that thing receives from small hands and feet and many a voice makes clear enough their reason for liking

the "movie." Often as I have sat in the small theater, in what we use to call "nickleodeon" before the war came to alter our views of prices, the very announcement on the screen that the "9th Episode" of *The Flaming Spectre*, or *The Black Claw*, or *The Yellow Terror* would be presented in that house on the following Wednesday afternoon was enough to awaken Bedlam. The psychological effect of such exhilaration of the ganglia of the young may be left to those who know the subject scientifically. A layman can merely conclude that a given amount of pictured crime and violence, unrelieved by any lesson in virtue, administered to a brain in a formative state, each day or week, is not without grave influence.

If it were worth while for us a generation ago to condemn the dime novel, which the youth of our land read in stolen hours behind the barn, we probably shall not have very much approval to bestow upon the same thing made into a picture which can be absorbed as water enters a sponge without the toil of spelling and getting the sense out of the printed characters. The man who manufactures and distributes such film is acting very obviously for his own pecuniary advantage, and the boy is acting pretty plainly for his moral disadvantage. Quite patently both the producer and the consumer are going on without taking account of the larger interests of society.

It is not necessary to be a reformer to be filled with wonder and doubt concerning much that proceeds on all sides of us. It is a new world. But as one innovation succeeds another we orient ourselves with respect to it. The gasoline driven vehicle has come to fill our roads and streets. We have subjected it to reasonable regulation. It must not go about at night without lights. It must be licensed to proceed abroad at all. It must obey the rules as to speed and observe other requirements in the interest of public safety. We make certain that food shall be wholesome before it is offered for sale, that water shall

be pure, that the air around us be not vitiated by noxious vapors from the chimneys of our factories. We surround ourselves with an infinite number of legal safeguards with reference to the concoction and sale of medicines and their application.

The efforts which are made to convert the most unpromising of young human beings at school into useful citizens are many. From the care of their teeth and the public feeding of them when they are hungry up to the old purely educational processes developed to the nth degree, our social efficiency has been tried and proved. I for one fail to see, therefore, how by any fair system of reasoning we can be held to be without some duty to inquire into the course of the film man with his fifteen thousand or more picture houses set in every nook and corner of the land at the door of each inhabitant. The misbehavior of this citizen, if he does now or ever shall misbehave, is not beyond our concern. The rules which we shall make will not be onerous to him, if he will keep to the right course—not more than preventive law in any other industry. He will feel, we shall wish him to feel, the presence of social restrictions only when he runs counter to the general sense and acts in some manner which we after reasoning together determine is contrary to the public weal.

How then shall we proceed? Our intervention, if it be worthy of our devising at all, must be effective. It is pointed out that we already have common law, supplemented by statutes and ordinances bearing upon indecency and obscenity which cover the movie man's transgressions. So much is true. Legal provisions of this kind have been applied irregularly and vicariously when the machinery has been started by agencies intended for and devoted to the application of other restraints. Some voluntary committees and associations have tried moral suasion. The producers themselves, sometimes sincerely, have united to bring about better conditions in their industry. Not a few have felt that if such activity were

not manifested with reference to other manufacturers, for instance, of what is known as the "state's rights" picture, i.e., one sold or leased through special agencies by persons not habitually or responsibly associated with the trade, the entire situation would be endangered. The movement for control, in the face of such examples of wrong doing, would extend until public opinion were brought to the point of condemning the "movie" in general and as a whole. Such fears are not without ground and the course taken by such producers has been shrewd.

But the conditions in this great industry are such that spasmodic intercession from such sources has not materially improved the situation. The source of the difficulty has not been reached, the public interest is no more safeguarded than it was before. Clearly, so students of the problem after long contact with it declare, there must be some legal penalty, such as is provided by the existing law on the subject of obscene communications. And there must be more, for those laws were made before the "movie" was dreamed of. They are no more applicable to it than the general laws relating to the road were applicable to the automobile when it appeared on the scene.

Moreover, so the students of the situation assert, there must be special agents whose duty it shall be to watch the "movie" and note the course of those showing it everywhere. It goes about in its tin box by railway train, motor car, and bicycle each day. It is here a little while and proceeds almost at once to another place. Before its character can be known, after its "one night stand" in one hamlet, it is off to the next town. Policeman or constable cannot deal with it, even if he had standards of judgment qualifying him for such a service. Only one method suggests itself to the student of the problem and this is a pre-view of the film before it goes forth at all, and the licensing of it to proceed only after it has conformed to the rules made for it by intelligent and competent men.

This inspection has been called censorship, a name which many do not like. It can be called anything else. The point to be held in mind is that the film is to be physically looked at and approved as fit for public showing before its circulation is begun. Some one person, or small group of persons, familiar with the whole subject, must sit in the dark room and review the film, certifying to its good quality, if it is good, and insisting upon excisions and eliminations, if it be not good. Such film as no changes can disinfect and purify must be entirely barred from exhibition.

It is to this point in dealing with the problem that much of the world has come. England has an effective, though it is in a measure voluntary, control by pre-view. Scandinavia, all Canada, Japan, British Australasia follow similar methods, as do a number of states and cities in the United States. Germany, which lapsed into great freedom after the war ended, has recently found it necessary to reestablish reviewing stations to check the exhibition of offensive film. The law has been invoked and the situation is under control.

It is contended in this country that as soon as the weight of pre-view sentiment shall increase sufficiently to bring other large states to the support of Ohio, Pennsylvania, and those which for some years have followed this policy, the evil influences which emanate from film will be appreciably reduced. The statute governing the Board of Censors in Ohio provides for a "congress" of censors, which by agreement shall formulate common rules and standards. Such a proceeding would give needed advice to producers and directors. In their studios they could begin a reformation of policy which would be for the general benefit. Pending a Federal law to govern interstate commerce in films, which has been before Congress repeatedly, there would be a starting point for the choice and treatment of motion picture themes which would give the public protection against evil film it seems to crave and require, and an assurance to producers that,

conforming to the provisions of the law in their manufactories, will meet with no interference in the pursuit of their business after their film is ready for sale.

Here is the proposed ground for mutual understanding. Unless one be quite unable to read the signs of the times aright, nothing less than such an understanding on the basis of definite law, administered by tolerant and honest men suitable for their large tasks will satisfy the country. Forces are active on every hand which indicate a working out of the problem along these lines at an early day. Thus will adventurers and speculators be pressed from the motion picture field, while that which is of unmistakable value will be emphasized and its vast potentiality for good will be seen and understood by everyone.

MOVING PICTURES, BOOKS AND CHILD CRIME²

The reformatory that we visited today receives boys from all over the state; boys sent there for all sorts of juvenile delinquency—things that among grown-ups are called stealing, robbery, burglary, homicide and murder. I wanted to ask those boys some questions about the books they had read and the movies they had seen—the same questions that I have asked a hundred other boys. I now have a sort of composite answer from boys some of whom are unusually bright, others ordinary, some dull, but all of whom have been either truants, runaways, thieves, or liars. I think though that all have been truthful to me—they have no cause to be otherwise.

One said, "It was the movies that got me in here."

I asked, "Do you mean that you stole in order to get money to go to the movies, or that you saw pictures that made you want to steal?"

"I saw pictures that made me think of stealing."

"But didn't the pictures show that the thief always gets caught and punished?"

* By R. C. Sheldon. *Bookman.* 53:242-4. May 1921.

"Oh, yes, but I thought I was wise and wouldn't get caught. I thought I wouldn't make the mistake he did to get caught."

That youngster was fifteen, of ordinary intelligence, unemotional—he took a chance and lost.

Another boy, between fifteen and sixteen, graduated from grammar school at fourteen, just about the time his father died, "got going with the wrong crowd" and began to rob; stole an automatic pistol which was accidentally discharged, killing a playmate. He said that he had always read a great deal before he went wrong and remembered chiefly the Alger books. He had read each of them three or four times and had got a great deal of good out of them—especially a belief in the poor boy's ability to succeed.

He was considerably less clear as to what, if any, help he had derived from the moving pictures. As he put it: "Didn't get as much out of the movies as out of books—there was something good in the books that wasn't in the movies." None of the books or magazines he had read had suggested crime to him, with the exception of the "Detective Story Magazine." He blames his present trouble on movie scenes of Western holdups. These boys would imitate, not for money gain, but just for the love of excitement.

As a matter of fact many children are brought into court for really holding up and robbing other children.

I asked this boy what he thought might be done to keep other boys from following in his footsteps. He had been evidently thinking of this also, for he promptly answered, "Don't let them go to the movies so much." He would limit them to one visit a week—depending on the other six days to keep them level-headed.

Would it be possible to limit children to specially deleted programs, and grant admission only to those children who had obtained a good school rating for the week? This method would surely prevent truancy to a degree, and help the teachers.

To go back to the holdups, I talked with another boy, Jim, who was guilty of killing a playmate. It appears that Jim and his pal, Frank, secured a couple of loaded revolvers by some means and started out to "play hold-up." Meeting a third party, Jim ordered hands up and pointed his revolver, not intending to fire. Frank, standing behind Jim, fired his gun into the air and Jim, startled, involuntarily pulled the trigger and shot the playmate "victim" dead.

How I wish that the men who write such scenarios and the men who produce them, could visit the criminals they have made! The fact that the culprit on the screen is caught and punished does not really mend matters. The child goes to see the picture craving excitement. The climax is reached with the holdup or the robbery, after which the child's camera-eye does not register the unexciting scenes of the culprit dully sitting in his prison cell.

After talking with the boys today, we went upstairs to the assembly room to see that most wholesome of actors, Charles Ray, in "Homer Comes Home." You should have seen these "delinquents" applaud Homer for walking miles rather than use for carfare one penny of the hundreds of thousands of dollars he carried—because it wasn't his own. I tell you, and I tell the producers, that people don't want crime, smut, or drunkenness.

Now, then, what is the underlying truth? What are the movies doing to our children? Are they multiplying the baneful influence of the old yellow-backed "Nick Carter" a thousandfold? Worse than that. Even books of that brand could not carry the words necessary to describe adequately the present movie scenes of hatred, cruelty, debauchery, crime, passion. The words would be unprintable. For the uses of law, science, or history such scenes can be and are described. They are, however, so cloaked in phraseology as to be entirely without meaning to those for whom they are not intended. Un-

fortunately we cannot so shield the motion pictures from those who will misuse them.

No one that I ever talked with can remember much more than the title of a motion picture seen a year ago. There seems to be no lasting effect—for either good or bad. But books—how well we remember the names, the characters, scenes, and moral of books we read ten, twenty, thirty years ago. What makes the difference? Isn't it that reading forces us to create an image—a concept—which continues to exist in memory? If so, what is happening to the memory training of our children?

When we read, there is time for thought, reasoning and the formation of judgment; but motion pictures progress so swiftly as to permit almost no cerebral action—little more than precept. What is happening to the reasoning power of our children?

The Big Brothers as an organization are combating the bad influence of the movies, first, by formulating lists of books under general heads of camping, scouting, seafaring, man-o'-war, building, the great west, engineering, railroading, inventions, treasure hunting. Then, as the individual Big Brothers learn the particular interests of their proteges, a list of selected books is prepared and the books lent as fast as the demand comes. Even a boy of twelve who thinks he is interested in mechanics is held by reading the lives of Edison, Stevenson, and Watt. And a budding musical genius likes to know something of the boyhood of Mozart, Sullivan, Beethoven, and Sousa. Every child should have the benefit of certain prescribed courses of reading—for vocabulary, memory training, and reasoning, more than that, he should be compelled to read.

Psychological examinations have shown that certain emotionally unstable persons should be prevented from seeing pictures of crimes. This prevention we are accomplishing with the help of parents and the proprietors of the neighborhood movie houses.

There will be no quarrel with the movies when we all realize that they are not the meat of the feast—not even a meat substitute—but only the dessert. And we want pure materials even in our desserts.

BROKEN PROMISES OF THE MOTION PICTURE INDUSTRY³

Motion pictures are the daily recreation of 20,000,000 people. Youth predominates in all performances. The Federal Trade Commission says 75 per cent are under 24 years of age. John J. Tigert, United States Commissioner of Education and the Federal Trade Commission have said that motion pictures exert a greater influence over the character, habits and general conduct of American youth than do the public schools. The producers have broken pledge after pledge that they would reform the industry and give wholesome and desirable films. A centralized industry, which is a "public utility" and is injuring the public, needs to be supervised by a centralized authority.

FIRST PROMISE *To Have an Actual National Censorship of Films*

In 1908, on December 24, Mayor McClellan, of New York City, after a public hearing, revoked all movie licenses on the ground that motion pictures were unclean and immoral.

In 1909, the National Board of Censorship, a voluntary unofficial body, was organized to censor films. The producers soon offered to bear the expenses of the Censorship Board and thus began the systematic deluding of the public by the motion picture industry. The impression that the National Board of Censorship was a governmental agency actually inspecting and protecting the morality of the films gained credence in the United States, and in foreign countries.

³A pamphlet issued by the International Reform Federation, 206 Pennsylvania Ave., S. E., Washington, D. C. 1928.

This implied promise of an effective censorship was broken. This was acknowledged in 1916 when the National Board of Censorship changed its name to the National Board of Review. That organization still continues to deceive some of the public, but in the trade it is a joke. In 1914 it organized the "National Committee for Better Films" as a part of its work.

SECOND PROMISE

To Reform Themselves by Censoring Their Own Films

In 1918, Germany, which had abolished censorship, after about a year was forced, by undesirable films, to reestablish official censorship. The National Council of Public Morals for Great Britain, after thoro investigation, in 1917 declared in favor of official censorship.

The New York State Legislature passed a Censorship law in 1916, which was vetoed by Governor Whitman. The New York Legislative motion picture investigation in 1917 showed that immoral pictures were being produced. The commission recommended legal restraint.

Because of these conditions, early in 1919 the National Association of the Motion Picture Industry in New York started a movement which they insisted would result in producing only clean films.

At a meeting in April, the Association voted to reform themselves by censoring their own films.

However, the Chicago censors that year eliminated 70 whole films and 110,834 feet from other films, most of them produced after the New York meeting.

THIRD PROMISE

To Enforce Obedience to Thirteen High Moral Standards

In 1921, many salacious, criminal and indecent films flooded the country; there were many censorship bills proposed in legislatures and in Congress. Wid's Year

Book for 1920 said: "Censorship battles in at least 36 states will be fought during the winter of 1921."

Because of these conditions and the enactment of the New York law regulating motion pictures, the National Producers and Distributors Association was compelled to do something. They adopted 13 high moral standards on March 5, 1921, and declared any member subject to expulsion who refused to conform to those standards. (See page 46 of *Catechism on Motion Pictures*, by W. S. Chase.) But their promises were broken and there was no moral or cultural improvement.

The New York State Motion Picture Commission condemned, in *toto*, 72 films as immoral in 1922, 29 in 1923, and 34 in 1924. In 1922, it made 3,945 eliminations; in 1923, 2,881 and in 1924, 3,780 eliminations.

FOURTH PROMISE

To Develop Moral Films to the Highest Possible Degree

In 1922, March 4, the Motion Picture Producers and Distributors of America, for an immense salary, induced Will H. Hays to resign as Postmaster General and become their President. The Congressional investigation threatened by the Myers Senate resolution, the complaint and investigation begun on August 31, 1921, by the Federal Trade Commission, the Appleby bill in Congress for the Federal Regulation of Motion Pictures, and the New York State Motion Picture Law which went into effect August 1, 1921, and censorship laws introduced in many states made the services of an experienced politician like Mr. Hays, who had been Chairman of the National Republican Committee, seem very desirable. Mr. Hays assured the public that he recognized the destructive moral effect of pictures that stressed the suggestive and the vulgar, and he promised "to develop to the highest possible degree the moral and educational value of the industry."

Instead, he formed a Committee on Public Relations, made up of 62 national welfare organizations. It proved to be only a high sounding name to impress the public. A deluge of letters and pamphlets from the Producers Organization urged the public to patronize the best pictures and ignore the undesirable ones.

The outpouring of objectionable films from the producers, whom Mr. Hays represented, continued unabated.

Note the large number of films rejected and of eliminations in 1922, '24 and '25 by the New York Commission as given above, which indicates the failure of Mr. Hays to keep his promise.

FIFTH PROMISE

Not to Film Objectionable Books and Plays

In 1924, February 26 and again on June 19, the Motion Picture Producers and Distributors of America of which Mr. Hays is President adopted resolutions that they would not produce, distribute, or exhibit or promote the production, distribution, or exhibition of films based on objectionable books or plays.

But the producers who employed Mr. Hays went on producing films of books that were banned by public libraries. The trade papers boasted of the extra editions it was necessary to provide for the increased demand for the undesirable books which had been filmed.

To encourage the sale of motion picture stock in the market, some people were sophistically assured that the rank and file of the public must have an outlet for suppressed instincts by seeing the low and the vulgar depicted on the screen.

And all the time the same type of objectionable films continued to be produced.

SIXTH PROMISE*To Refrain from Anti-Prohibition Propaganda*

In February 1925, Mr. Hays announced that the Motion Picture Producers and Distributors of America would refrain from careless and intentional anti-prohibition propaganda.

The breaking of this promise is so well known by the public, that it is not wise to advertise the films produced by members of the Association of which Mr. Hays is President by giving their names.

SEVENTH PROMISE*To Provide an Open Door*

In October, 1924, the National Congress of Parent-Teachers Associations and on February 20, 1925, the General Federation of Women's Clubs withdrew from the Committee on Public Relations; various other organizations also withdrew. They refused any longer to be represented in such inconsequential work. Mr. Julius Barnes, President of the United States Chamber of Commerce, in December, 1922 withdrew his organization, when Mr. Hays, without consulting the Committee on Public Relations, asked that the Arbuckle films be returned to the screen on the ground that Arbuckle had repented of his ill conduct.

On March 19, 1925, Mr. Will Hays announced that the Committee on Public Relations, having completed its task, was disbanded. He thus cleverly anticipated its approaching dissolution. Mr. Hays then established in its stead the Department of Public Relations with its "Open Door" policy, through which he invited the public to help in solving the problems of the producers. The long-suffering public soon came to realize that the "Open Door," with Mr. Hays as a doorkeeper, was nothing but a trap door.

In 1925 four members of Congress who went on a cruise on different ships of our Navy, united in declaring before the Committee on Appropriations of the House of Representatives that the motion pictures shown at sea were so indecent that they were debasing the morals of the men of the Navy. Yet all of these films have been approved by the National Board of Review.

EIGHTH PROMISE

To Secure Better Films if Immoral Films Were Ignored

In 1925, as a sop to an outraged public, the fertile-minded Mr. Hays authorized Col. Jason Joy, Executive Secretary of the Department of Public Relations, to work through the National Committee for Better Films, which since 1914 had been a part of the National Board of Review, so that suspicion might be diverted from his organization. The promise made to the public was that it could get wholesome films by thinking only of the good and forgetting the evil ones.

The Better Films Committee emphasized the following slogans: "Selection, not Censorship," "Boost the Best, Ignore the Rest," and "Patronize the best, that the best may pay." Credulous people do not realize the subtlety by which they were led by these slogans to cease all opposition to immoral films, so that the traffic in immoral films might not be interfered with by the active opposition of the most influential citizens.

The producers know that the best films pay best. But because some people prefer immoral films, there is money to be made by producing immoral films. The producers want the profits both from the best and from the worst films, even though the latter increase human crime and misery.

Such men are the enemies of society and need to be restrained by law.

NINTH PROMISE

To Keep the Eleven Wont's

The Federal Trade Commission produced conditions which led to the Ninth Promise.

In 1927, on July 9, the Commission found Adolph Zukor, Jesse Lasky, and the Famous Players-Lasky Corporation, after six years' investigation, to be guilty of conspiring to monopolize the industry and ordered them to cease block-booking. Thereupon, the Motion Picture Producers and Distributors Association at the Trade Practice Conference in October, 1927, again promised to make wholesome pictures. They specified eleven themes which would not appear: (1) pointed profanity, (2) suggestive nudity, (3) illegal drug traffic, (4) sex perversion, (5) white slavery, (6) miscegenation, (7) sex hygiene and venereal disease, (8) child birth, (9) children's sex organs, (10) ridicule of the clergy, (11) wilful offense to any nation, race, or creed.

They promised to treat 26 themes "with special care and good taste." Among these are: arson, theft, safe cracking, murder, sympathy for criminals, woman selling her virtue, rape, first night scenes, man and woman in bed together, deliberate seduction of girls, the institution of marriage, lustful kissing.

These promises amount to a confession of guilt for the recent past, but offer no security for future performances.

The failure of the producers to keep the Ninth Promise is shown by the following:

In 1928, February 28, the Washington Chamber of Commerce complained to Will Hays and Metro-Goldwyn-Mayer that *Man, Woman and Sin*, released December 1927, was not only highly immoral, but that it also casts an unwarranted slur upon the Capital and its citizens.

Out of 215 current films examined for the *Educational Screen* by committees from three public-spirited organizations, the General Federation of Woman's Clubs, the National Congress of Parents and Teachers and the Home and School Department of the American Farm Bureau Federation which were reported from November, 1927, to April, 1928, in the class condemned as "worthless," "trash," "vulgar," "sex and lust," "poor," etc., there were 90 films or 42 per cent; in the doubtful class were 34 films, or 16 per cent; in the approved list as "fair," "good," "wholesome" and "excellent" were 91 films, or 42 per cent.

In March and April, 1928, out of 107 films, 61 were unfit for children under 15, 11 were "good," 2 "excellent" and 1 "fair."

A MENACE TO SOCIETY *

Shortly after the Commission commenced to function, it became apparent that there were certain distributors and theater owners who were exhibiting pictures for which neither a license nor a permit had been granted. In this manner, they could escape the payment of the fee and also exhibit films of an objectionable character without submitting them to the Commission for review. Later, it was discovered that in a few instances an attempt was made to manufacture license numbers of their own and attach them to the films when they were exhibited, giving the impression to the theater-goer that the film being exhibited had been duly licensed. There were also others who attempted to obtain sub-seals fraudulently, claiming that the original seal for the picture had been lost or destroyed. In this manner they were able to obtain additional seals which they attached to duplicate prints, thus depriving the State of the fee to which it was entitled. There were others who at-

* From the Annual Report of the Motion Picture Commission of New York State for 1924. p. 5-13.

tempted to substitute seals by removing them from the pictures for which they were issued and placing them upon unlicensed films and exhibiting them. In this manner the State was being defrauded and objectionable films shown. There were also a few, but we are glad to say a very few, who seemed to feel that they were above the law and for that reason attempted to exhibit films which not only had not been licensed but without any seal attached. All of these and many other methods of violating the law necessitated the visiting of theaters in various parts of the State for the purpose of seeing that the law was enforced and the State not defrauded. The Legislature has from time to time made an appropriation for appointees known as reviewers, whose duty it is to visit theaters and exchanges in different parts of the State to ascertain whether the law was being observed, not only as to the particulars above stated, but as to whether the eliminations ordered by the Commission had been actually made. A few of the producers undertook to exhibit portions of deleted films by making the eliminations in the original and failing to make them in the duplicate prints shown. The most reputable producers, however, endeavor to comply with the orders of the Commission. These reviewers are required to pass a competitive Civil Service examination before their appointment, but the Commission has had difficulty in obtaining competent persons to fill the positions on account of the small salaries paid. We have never had a sufficient force of reviewers adequately to protect the interests of the state but have been materially aided thru cooperation with the New York State Troopers.

This inspection of theaters and exchanges has always resulted in an increase of the receipts of the Commission and a much more general observance of the law by the producers and exhibitors. It has been an important part of the work.

Each year since the close of the war there has been a material increase in the production of foreign films and very many more each year are being brought for exhibition in this country. There is no agency except this Commission which has any jurisdiction over them. They are handled through brokers, many of them, and contain matter which is clearly prohibited by the statute for exhibition in our state. Some of them attempt to inject racial characteristics and bring different races into more or less disrepute and ridicule, and many of them contain sacrilegious matter and matter which reflects upon religious sects. It must be remembered that these films are made in foreign countries where the standards and racial characteristics are very different from our own country, and it is claimed that many of them are sent here mainly for exhibition to our foreign population. This, however, does not relieve them of their objectionable features. We have vigilantly watched these films and endeavored to either prevent their exhibition or to remove the objectionable features from them. An attempt is often made to disseminate propaganda through films which is inimical to our form of government. The Department of Justice at Washington has been active in suppressing films of this character and has at all times had the hearty cooperation of this Commission.

The motion picture has a peculiar fascination for children. While there are but few films which are made especially for children, there are many which are suitable for exhibition to children. There is an attempt being made on the part of some producers to make films which have an appeal to children. As a matter of fact, children form quite a large percentage of the persons who witness pictures.

The Commission has jurisdiction over advertising matter to be used in connection with the display of films, but as before indicated, this does not cover pub-

lications but only such matter as appears on billboards, posters and stills, so called, exhibited in the lobbies of theaters. Before the enactment of the law, the posters were particularly objectionable. Thrilling scenes of persons being hanged, murdered or being thrown over precipices were very prevalent and attracted and caused to excite children and educate them as to the methods of committing crime. The Commission requires the presentation to it of all advertising matter for review and condemns such portion of it as violates the statute. Most of this objectionable advertising matter has been eliminated and whenever it is shown now it is by some exhibitor who is either disregarding the orders of the Commission or has failed to present the advertising matter in accordance with the law. This is an important part of the work of the Commission and excellent results have followed our work in this regard.

PROSECUTIONS

The majority of the producers and exhibitors seek, in good faith, to cooperate with the Commission in its work in so far as its rules and regulations are concerned as to the licensing of pictures and the exhibition of what we term the identification matter. There are, however, a few in this industry as in others, who are continually attempting to violate the law and cheat the state. There are about eighteen hundred theaters in the state and in a great many of them there are daily exhibitions, some of them giving two and others four shows a day. When violations are detected, they are thoroly investigated by the Commission and many of them, particularly where the violations are wilful, are turned over to the Attorney-General's Office for prosecution. During the last year, there have been several prosecutions, some of which are now pending. In several instances, the Commission has found films being exhibited which were of such a vile nature that they cannot be described in print, without

offense. In these instances, the films have been seized by the Commission and destroyed. Films of this character are not made for general exhibition in theaters but are clandestinely exhibited to private audiences. Any offender, under the law, has the right to appeal to the courts from any decision rendered against him, but no appeals have been taken during the last year.

WORK OF THE COMMISSION

The question of the regulation of the motion picture industry furnishes a rich field for discussion. The fact that the industry has become one of the largest in the country is often overlooked. It has furnished the means of amassing great fortunes and is a great power in the financial world. Naturally, its great power carries with it, or should, greater responsibilities to society and the citizenship of the state. The source of its power does not lie alone in the pictures or the general interest they arouse. It rests quite largely in the publishers of newspapers, books and periodicals, authors, actors and all others, a great variety in number and in interest, who are benefitted either directly, or indirectly thru the industry's activities. Those who are opposed to any form of regulation delight in characterizing the work as "censorship" for they fancy there is a sort of opprobrium associated with the name that will arouse the antipathy of many of our people. It is strange but many apparently intelligent people insist that the statute providing for this regulation is unconstitutional. They claim that the idea of regulation is un-American and still declare that it is a form of abridgement of the right of a citizen to speak freely and write and publish his sentiments on all subjects. The fallacy of this argument becomes apparent at once when it is known that both the Court of Appeals of our state and the United States Supreme Court [236 U.S. 230 et seq.] have decided that the motion picture is a spectacle or show with a peculiar appeal rather than a medium of

opinion and, therefore, that the constitutional provision with reference to the free press and free speech has no application whatever.

Again, the producers argue that a law of this character is un-American. If that were true, it would be interesting to hear an explanation as to why seven states and nearly all of the large cities of the United States have some form of censorship of motion pictures. It is also equally interesting to know why it is that practically every civilized country in the world, except some portions of South America, has censorship or regulation of the motion picture. England, including its dependencies, Canada, Australia, India and portions of Africa, has a much more strict censorship than exists in any part of our country. It licenses certain pictures for exhibition to adults only and the responsibility of keeping all children under eighteen years of age from witnessing the productions is placed upon the theater owner or exhibitor. While this would cause considerable vigilance on the part of the theater owner or exhibitor, yet we are satisfied that it is a wise provision for the reason that many pictures are suitable for adults, or are not harmful at least, which would have an evil influence upon children. It is difficult not only for parents but for theater owners and exhibitors to determine the effect of these productions upon children, but under such a license system the evil effect upon younger persons could be greatly lessened.

Italy, Germany, Russia, Poland, Czecho-Slovakia, the Philippine Islands, France, Spain and other European countries have laws regulating the exhibition of motion pictures. The states of Kansas, Ohio, Virginia, Maryland, Pennsylvania and Florida also have statutes for the regulation of motion pictures. In some instances, cities in states which have a form of state regulation have found it in the public interest and necessary to establish a local censorship. It is idle to assume that the widespread demand for some form of regulation is inspired by re-

formers or Blue Law advocates. The fact is that *the motion picture has become a menace to society*. The producers themselves recognize this and have perfected various organizations for the purpose of improving the pictures shown and preventing the exhibition of demoralizing pictures.

The motion picture has a peculiar appeal. Its impression is received thru the eye. Statistics show that nearly one million people, one-tenth of the population of our state, see motion pictures each day. Its influence is incalculable. It makes an appeal to a greater number of people at a given time than any other agency. Its influence is greater and wider in extent, either for good or evil, than even the churches or the schools for the reason that a great mass witness them who never frequent churches and who have passed beyond the age of instruction in the public schools. The fascination of the picture and the fact that the expense of witnessing it is small accounts for its attraction. They appeal to children of all ages, the immature, the illiterate, the morons, the weak-minded and the intelligent person alike. Those of sub-normal mentality, the foreigner who cannot speak our language and every class of our people who witness and enjoy pictures each receive their own interpretation as readily as those who are well educated. It furnishes the principal amusement for the great majority of our people and the sole amusement for a large percentage. It is estimated that over 50 per cent of those who see pictures are children. It can be made, and is being made a wonderful force for the education of our people and under proper regulation will accomplish great good.

The majority of the pictures presented are not objectionable and reputable producers recognize their obligations to society and are responsive to public opinion. There is, however, a class of producers who apparently care nothing for anything except the returns they receive from their product. This class attempts to appeal to the

sex instincts and is continually depicting crime and educating the youth of our land in the vices of the human race. Of course, this is done to attract different classes of society but its effect is to glorify vice and lawlessness and to make unattractive decent living, virtue and the observance of the law. It requires no argument to convince the intelligent observer of the evil effect which objectionable pictures have upon children. Scarcely a day passes that the public press does not contain accounts of children committing crimes and the excuse is often offered that they were attempting to reproduce something which they had witnessed in a motion picture.

If there were some agency which could work effectively and had control over all pictures shown, the argument for a change of the law might have force, but the fact is that no agency has control over foreign films which are brought to this country and many of which are very objectionable to our standards of living. It is also true that our films are objectionable to people of foreign countries. Our people make pictures for exhibition in foreign countries and we frequently receive complaints from our citizens travelling abroad concerning American pictures shown there, claiming that they misrepresent our standards of living and the customs of our country in general and tend to bring our country into disrepute. We have received communications in which travelers have remarked that they should be ashamed of their own country if the scenes depicted in these films correctly represented our customs, habits and methods of living. An agitation was had in Mexico to prevent the exhibition of our films there. There are, of course, many foreign films which are of the highest character.

These facts are presented not with the idea of indicting the industry as a whole for these abuses but the fact that they remain is undenied and it is agreed by all that they should be remedied. The question is, how shall it be done? Various forms of regulation have been tried out.

Of course, the producers and their allied interests object to all of them because they cost them money and require the employment of additional help. Their favorite argument is that censorship tends to restrict art. You will observe by reading the standards fixed by the statute that this argument is fallacious. Of course, if a producer or director insists that obscenity, indecency and immorality or the making of pictures which show crime and vice in all of their worst forms, are a part of art and are necessary for its cultivation, then there is not much use of continuing the argument, but the mass of people who are interested in the education of their children, in fact all agencies which seek to maintain and elevate the moral standards of society, are in favor of the suppression of much which is exhibited upon the screen for the reason that they are convinced of its injurious effects.

One of the latest attempts to repeal the statute by those who are opposed to any form of regulation, is to enact a new statute which will have the effect of holding the exhibitor or theater owner responsible for the viciousness of films. Ridiculous penalties are sought to be imposed, of such a character that no court or jury would find a theater owner guilty, and a provision has been inserted to the effect that his theater may be padlocked or closed for a year. Of course, the statute says that the maker and exhibitor shall be liable, but the maker, it will develop, is a corporation in California or at some distant point outside of the jurisdiction of the court. This proposed law is only a makeshift or alleged substitute. The attempt, through the police, to suppress indecent exhibitions on the stage, has clearly demonstrated the futility of this method of procedure. It would only result in advertising the objectionable film and attracting great crowds to witness its exhibition, and the law's delays would protect it until the damage was done. If there were any method known which could prevent the exhibition of objectionable films, other than censorship, it would have been discovered long before this, for practically all

other methods have been tried. Their futility has been demonstrated and the world as a whole has adopted this form of regulation. The industry is a great power in this country, in fact more films are made here than in any other country. It has persistently fought all forms of regulation and will, of course, continue to do so.

The production of films is increasing and the work of the Commission rapidly developing. The mere fact that there is an agency to which the films must be submitted has a deterrent effect upon those who seek to make objectionable pictures and has resulted in a great improvement in the pictures. What those who make objectionable pictures desire is a license to put anything upon the screen which, in their judgment, will produce box office receipts, regardless of its effect upon the morals of our people or society in general. No good pictures have been suppressed and art has not been curtailed in its expression. The repeal of the statute in this state will not solve the problem. Its only solution lies in removing from the screen the objectionable films. There is a general demand that this be done. It is backed by the moral sentiment of the world, and misrepresentation, misstatement, ridicule and abuse will never eradicate the evil but will only tend to incite a great majority of people to greater activity in the correction of the abuses which exist.

THE MOVING PICTURE MENACE^{*}

Thirty per cent of the moving pictures are striking at the very basic corner-stone of American life and strength.

In a recent pamphlet on "The Need of a Moral Crusade" by the Christian Church, against certain forces of corruption that threaten to undermine the moral life of America today, I have mentioned "Sensual Moving Pictures" as one of those forces, in these words:

^{*} By Rev. Clifford G. Twombly, Rector of St. James' Church, Lancaster, Pennsylvania.

Twenty million people in this country, 75 per cent of them under 24 years of age, now attend the moving picture shows daily, and probably 60,000,000 different people every week,—and more than 30 per cent of the films, or about one in every three, are striking at the very basic corner-stone of American life and strength, for they are tending to destroy the sanctity of marriage and of the family, and are making light of personal purity. They are subtly and insidiously and intentionally sensual. [You Church people who read this may think that this is an exaggerated statement of the facts, because in a general way at least, you choose the kind of moving pictures you go to see, and so avoid much that is sensual; but if you will go to see them all as they come for a single month, you will discover, I am sure, that the statement is well within the bounds of truth.]

When a State Board of Censorship has to eliminate scene after scene of indecency, lust and sensuality in the films which are presented to it for examination, every week,—and when those films go practically uncensored through 42 out of 48 States of the Union,—some additional realization of the danger of such films to American home standards and ideals may be had. [And I may add that if we Americans do not realize their danger to our own life and ideals, many other nations like Great Britain and France and Germany and Italy and Japan are realizing the danger to their life and ideals, for they are vehemently protesting against the immoral influence and corruption of such American films and are putting the ban upon them. The latest to do so is the Province of Quebec in Canada, where on March 22, 1928, the Legislative Assembly decided by a vote of 57 to 5 to exclude all children less than 16 years of age from moving picture shows, whether accompanied by their elders or not; and member after member arose to denounce American films and their standards of purity and marriage and divorce as harmful to the morals of young people, and no voice was raised in their defense. See the *New York Times* of March 25. It is not pleasant to think of America helping to corrupt instead of to save the world!]

And when leading newspapers all over the country are afraid to print the truth about the moving pictures because of the large amount of advertising the moving picture men do in them, and the great financial interests involved, the danger is not lessened!

If American life is already like what it is represented to be in such pictures, alas for America! If it is not, then something ought to be done to change this vast process and influence towards what Dr. Francis G. Peabody calls the gravest peril which now confronts the social order in America, namely, "a sensualized character and a despiritualized civilization, and the ominous disintegration of the family."

I do not know how I can do anything better perhaps, in a series of articles like this, than to show some of the grounds upon which these above statements have been based, in order that those who read them may judge for themselves whether they are true or not. For if they are true, every father and mother, every decent man and woman who cares for the future of America, where their children and their grandchildren are to live after they are gone, ought to be deeply concerned in the effort to bring about a radical change in these pictures, in the only way of which most of those who have studied the situation and been familiar with it for the last fifteen or twenty years, can think, that will be both feasible and effective, namely,—by some kind of Federal control of the pictures.

1. The first statement about the numbers of people, and especially of young people 24 years of age and under, who attend the movies, is from the Federal Trade Commission's Report, and its general accuracy has been confirmed from time to time by numerous statements of the Trade itself. It is interesting to know also that of the 20,000,000 people who attend the movies daily 10,000,000 are estimated to be school children.

2. But how do we know that more than 30 per cent of the films are "striking at the very basic corner-stone of American life and strength," and are "tending to destroy the sanctity of marriage and of the family, and are making light of personal purity?" We have had 8 surveys of the pictures made in Lancaster by committees from the Chamber of Commerce, and from one of the Women's Clubs, by groups of college men, and by 24 ministers, and by representative men and women from all walks of life in the city, even by as large a group as 50 at one time,—covering a period of ten years,—and they have all found practically the same thing, that about one-third of the films are salacious and detrimental to public morals, because (I quote)

of their making light of divorce and the marriage relationships and standards of personal purity; because of indecent and sensual dancing, and even open and lewd muscle dancing, [which ought never to be allowed on any screen or stage in America, or anywhere else, at any time. It is oriental sex-dancing, usually on the part of the woman, that is vile and corrupt in its suggestiveness, and that is intended so to be]; because of sensual sex-appeals, and indecent clothing, or lack of it; and because of the degrading atmosphere of the underworld shown in houses of ill-repute [like the Barbary Coast brothels], in gambling dens, and in attempted or suggested attacks upon women.

The last of these regular surveys was made two or three years ago, but we have kept a record of the films since then, and there has been no change for the better in the proportion of the evil films which have set forth the decadent standards and morals of loose society and of the underworld, boldly and openly. During a few months recently, 52 feature films were shown in Lancaster, 17 of which were classed as good, 16 as indifferent, and 19 as distinctly harmful and bad.

I could cite many examples of such objectionable films for the last 3 years,—of the 1925-26 films, for example, ones like *Shadow of the East*, *The Arab*, *Broken Barriers*, *Soul-fire*, *The Pleasure Garden*, *Watch Your Wife*, *His Hour*, and so on; and I could give many other examples of the 1927 films, and many more of the 1928 films. A few months ago I went to see Clara Bow (advertised as the "It" girl, or girl of greatest sex-appeal, and voted so by a large class in one of our institutions of "higher learning"), in the film called *Hula*. This picture is not one of the worst by any means, but a common sample of the teaching influence of these movies.

(1) Hula's family in Hawaii is of the carousing, drinking, fast, newly rich type (which is not a fair portrayal of the average American family in Hawaii). She falls in love with an English engineer, but finds he is married, so her hopes fall. So she gives herself over to revelry and lewd muscle dancing. (From this obscene Hula dance the heroine and the film have taken their name). Then she finds out that the man she seeks is unhappily married, so she goes after him

again. The whole action then hinges on whether he will be able to get a divorce or not, and whether his wife will give it to him when she finds out the reason.

Of course it is regarded as perfectly legitimate for him to get such a divorce for such a reason if he can. There is seldom any other thought of marriage in the movies. If you are not happy, get a divorce and marry the girl or man you love, and do so as many times as you like (as so many of the movie actors and actresses have done in real life). So this girl marries the man she has pursued and gotten divorced and at last landed and is perfectly happy! And hundreds of these films are thus directly and unhesitatingly teaching our young people this idea of marriage. Physical happiness alone, (which is called "true love," but may last only a few weeks or months), is the one goal of marriage, and there is no other binding obligation—or sense of loss, when the girl gives away the best she has, and goes on to marry again and again.

(2) Could anything, again, be more calculated to destroy young America's ideal of marriage and its sacredness than another film of this common type, called *The Popular Sin*?

A beautiful woman (Florence Vidor, recently divorced and remarried) is married to a theatre habitué who is having an affair with an actress. She suspects her rich husband is having this affair, so she immediately proceeds to "fall in love" herself with a playwright, and marries him after getting a divorce from her first husband. But her playwright husband then falls in love with a seductive vampire actress (who is shown scantily clad in her bedroom with two men, and then, in a sensuous scene, in the arms of one of them), and the playwright husband after divorcing his already once divorced wife (Florence Vidor) marries this vampire actress. She is having affairs with four or five different men, (as her keys in her bag to as many different rooms in the hotel where she is staying are openly intended to reveal), and soon gets tired of her playwright husband, and "falls in love" with the theatre habitué, the first husband of the first woman (Florence Vidor) now already twice divorced. The playwright then divorces the seductive vampire actress and goes back to the beautiful woman (Florence Vidor) already twice divorced, saying "A

man can love only one woman" (!),—and the theatre habitué having tired of his first actress, and gotten rid of her, goes off with the vampire actress to marry her! So all comes out happily in the end!

This is the sort of stuff the moving pictures are feeding to our young people, for it is the sort they are sure to see if they go often to the movies. And as Dr. Stearns, the principal of Phillips Andover Academy, says, "If one were to accept as true the code and teachings of the screen today, it would be necessary to believe that the home of ideals and purity is practically nonexistent, that virtue in man or woman is altogether a novelty, and that the real attractions of life are to be found in the wanton violation of those old standards of morality and those long tested human relationships which have stood as the secure foundation of Western and Christian civilization."

✓ (3) *Blonde or Brunette*, in which the leading part is taken by Adolph Menjou (a popular but sinister figure on the screen where lack of morals and women are concerned, and himself divorced and recently remarried), is another picture of the same decadent kind, though some might overlook its underlying influence and character in its supposedly ludicrous situations. Most of the picture centres around the man's relation to his divorced wife in the house of her grandmother. Will he spend the night with his divorced wife, who has aroused his so-called "affections" again, or with his legal wife, who is a guest with him in the same house? Five times in the night he is found in the room of his divorced wife, who has few clothes on, by the grandmother, and once he is on the bed with his semi-nude divorced wife in his arms. At last he sleeps on the floor of the hall just outside of her door, while she sleeps on the floor just inside her door, and the man's legal wife has to be "content with her harp."

In *A Gentleman from Paris*, Menjou, who has "loved not too wisely, but too many ladies," is to be married, and so gives up all his former mistresses "save one" (!) "If you liked him before, you will love him now!" says the *Movie Trade Magazine*. Truly a worthy object of admiration (?)

(4) *Sharpshooters* and *A Girl in Every Port* portray the affairs of sailors with women in different dives and dance-halls abroad and at home, and are rankly immoral and harmful films, and openly suggestive of impure relations throughout, with their muscle dances, and attempted rapes, and other sensuous scenes. In one of them also, a woman goes to a sailor's bedroom in an undisguised effort to seduce him.

That the Christian Church can be indifferent to such pictures, as least as far as any efficient remedial action is concerned, shows to how low an estate we have fallen in moral endeavor. Yet 800 boys and girls were present together at one of these shows alone, taking it all in, when the writer saw it.

(5) *Man Woman and Sin*, (with Jeanne Eagels, recently divorced), was protested by the Washington Chamber of Commerce in February, 1928. In this picture a young newspaper man falls in love with the Society Editor of the paper, who is the mistress of the owner of the paper and is kept by him in a luxurious apartment. The two are discovered together in the apartment (the girl dressed in filmy clothes) by the owner of the newspaper, and the younger man kills the older, etc., etc.

The producers of these pictures seem to know little but the dirty, low, seamy, immoral side of life, or to be able to think of little else apparently to give a picture any interest or thrill. But why should all America be obliged to have this sort of stuff served up to it continually? And why should the Church utter no united voice of protest? The sensual strain is almost omnipresent, and even in a picture like *Beau Sabreur* the way in which the old sheik looks at the two young women and attempts to gain possession of them, is an insult to every decent woman. The same thing is true of *The Dove* (Norma Talmadge, divorced), and of *The Devil Dancer*, (Gilda Gray, divorced), a most suggestive nautch girl picture, and of *Ladies Night in a Turkish Bath*, and of *Paid to Love* (in which an American banker wants to have a European Prince married for financial reasons, but as the Prince does not care for women, a girl from a Paris dive is hired to teach him how nice "love" is. (That is the one idea they have of it in these movies!) And so it is in innumerable other recent pictures.

The effect of *The Secret Hour* (Pola Negri, divorced, and remarried) when it was played in Lancaster, was that fifteen boys who sat in one of the rows in the front of the theatre, roared with laughter when it became known that the heroine was "to become a mother," and so could not become the ranch-owner's wife.

Is it any wonder that an Australian wrote the following letter to the *New York Times* recently?

My knowledge of America is largely gained from the movies, as we see no movies out here except those made in America. You are a wonderful nation, but you have a kink: It is about your women folk, and you are doing terrible harm throughout the world. Why do you treat your pretty girls so rotten? One would expect such a go-ahead nation to hold its women sacred! And about Prohibition: Why don't you back it up all the way? The whole world is quietly watching you. You brag about your country, and quite right,—but carry it out in deeds. Stick to your laws and have more respect for your women. The world is looking at your example.

A. Shannon.

These are a few samples which illustrate the morals and standards of this more than 30 per cent of the feature films today, of which I am speaking, and which also illustrate Mr. Hays's so-called "steady improvement of the movies." He must mean in technique, not in morals!

II

Thirty per cent of the movies today are intentionally sensual; their very advertisements show it.

A recent review of the *Loves of Carmen* describes this film as "a deliberate attempt to make a sex orgy of the well-known story, and to lay it on as thick as the police will allow," and when this picture was shown within the last year in Lancaster, it was advertised by the moving picture men in the newspapers in this way: "The devil was bored, and he summoned his henchmen. 'Pour for me,' he said, 'into one mould the heart of a child, the body of a wanton, and the soul of a woman.'" And a further advertisement added: "This photoplay has passed the Pennsylvania Board of Censors," as if to say "How did it ever get through? What an inducement to see it!"

For the advertisement of Clara Bow in *Hula* an animated full-sized figure of the actress was doing the Hula dance in a booth in the theatre entrance,—and every

young man who entered knew what the dance meant, and so doubtless did many of the girls who were the young men's partners. *Sharp Shooters* with its oriental brothels, was recommended to the public in these words: "Imagine lovely Lois Moran as the Oriental dancing girl." And the advertisement of *Why Sailors Go Wrong* was the picture of an almost nude girl doing the muscle dance.

The Night of Love was advertised as a picture in the scenes of which "the hot blood of the Latins had never pulsed more passionately," and *The Secret Hour's* advertisement was: "Guilty of a Secret Hour of Sacred (sic) Love." *The Tender Hour* sought to draw the crowd by these words: "If you were a beautiful young American girl in Paris, and were tricked into thinking your sweetheart was dead, and were sold in marriage to an old man you loathed, and then the boy you loved came back to claim you, how much would you pay for one 'Tender Hour?'"

The attractions of *The Private Life of Helen of Troy* were called to the public's attention in this way: "Helen of Troy" (the capital letters in bright red, making the word "hot"). "An A. D. Mamma in a B. C. Town."

As a writer in the *Baltimore Sun* says: "It makes you doubt the sincerity of the moving picture men when they get together and issue statements expressing their high ideals of morality in the movies."

The sex-element is being continually emphasized in the advertisements of the movies, and at least 75 per cent of all the "trailers" as they are called, or parts of films exhibited in advance to advertise what is coming, show something sensual as a stimulus to adolescent curiosity to see more.

Here are a few samples also of how some films have been advertised recently, not to the public, but to the exhibitors: *The Albany Night Boat*. "The mystery ship of forbidden romance. Are there respectable people on board? Yes, the captain has a license and a certificate, and some of the passengers are married. A swift comedy

of this dizzy age,—taking the search light off the shore, and turning it on the staterooms for the first time."

Grass Widows. "In these divorcing days you never know exactly who's who. A sparkling comedy, peped up with just the proper dash of sex."

And *The Private Life of Helen of Troy* (already mentioned), is commended to the exhibitors in the trade papers as follows: "The most important date in history: Helen's date with Paris." "That's the way with you men: if a strange woman dresses attractively, she's stylish; if it is your wife, she's indecent!" "Marriage is only exchanging the attentions of a dozen men for the inattention of one," etc.

The moving picture men know what they are doing when they lay stress on this sort of an appeal, but they do not seem to care, or admit any moral responsibility for it, if only they can make their profits. But what does it all mean to the youth of America? It is always a fight for young people to keep their thoughts and lives pure and clean. And just where the fight is admittedly the hardest, the moving picture men and their films are making it many times harder, and often almost hopelessly impossible,—for gain!

"Control the forces and influences that play on the emotions of our adolescent youth, and make them clean and true and noble, and you will do much to eliminate half the evils of America." But how are we controlling, or guiding in the right direction, these forces and influences of the moving picture films? Professor Ross, of the University of Wisconsin, says: "We have a generation of youth sex-excited and self-assertive; and there can be no doubt that the arrival of over-mastering sex desire in the boy's life has been antedated by at least two or three years, thanks to the abnormal and harmful stimulation from the films."

And have we Church people no right to try to do something about this? Does the moving picture business that has so great an effect upon 10,000,000 to 15,000,000

of our young people every day, belong to the moving picture men only? Has not decent Christian society something to say about it, and about the moving picture producers' system of block-booking which compels exhibitors to take what they are given?

A third statement which was made at the beginning of these articles was this: "When a State Board of Censorship has to eliminate scene after scene of indecency, lust and sensuality in the films presented to it for examination every week, and when those films go practically uncensored through 42 out of the 48 States of the Union, some additional realization of the danger of such films to American home standards and ideals may be had." As proof that I am stating only the facts here, let me give simply a few extracts from the records of a State Board of Censorship for a few weeks last year:

April 9-16: Eliminate all scenes of Stansfield entering bride's bed-room, and scenes of prolonged struggle. Eliminate scene of divorced woman sitting on Tyler's lap. Eliminate scene of DeSalvo kissing Sunya on leg. Eliminate scene of Manion kissing exhausted girl in his arms, following struggle in cabin. Eliminate scene of Dimitri being led towards bed by woman, and all scenes of them on the bed. Eliminate [half a dozen more scenes of the same character].

June 18-25: Eliminate scene of girl undressing behind white sheet. Eliminate scene where man attempts to get into bed with girl. Eliminate the whole film of "Tell Me Why" as improper—and so on.

July 2-9: Eliminate scene of Leach kissing Johala on neck and breast. Eliminate close-up front view of Johala while nude. Eliminate scene in office of Miss Bayne, kissing Mr. Sloden, and tickling his ear. Eliminate scene of girl rolling down her stocking and of young man painting "I love you" on her leg.

And so I might go on with the record of the eliminations of all the disgusting stuff (much of it even far worse than what is cited here) that is let loose upon the country every week where there is no censorship. What we get after censorship, that admittedly is more or less politically controlled in Pennsylvania, New York, Maryland, Ohio and Kansas, is bad enough, but what the States with no regulation of the movies get is often and continuously unspeakable.

4. "And when leading newspapers all over the country are afraid to print the truth about the pictures because of the large amount of advertising the moving picture men do, and the great financial interests involved, the danger is not lessened!"

I remember speaking to a Church Federation Conference in Philadelphia on the character of the movies then being shown in the city, when four or five reporters of the leading Philadelphia papers sat at a table in front of me; and after the meeting was over one of them came up to me and said: "This is good copy; I have two columns and a half for a front page article tomorrow morning." But not even the subject of the address was given in the account of the meeting in the paper the next morning.

I spoke in New Haven some time ago on "Certain Moral Dangers to American Life and Standards," and mentioned at length five or six of them. The speech was reported in one of the New Haven papers in full in all of its sections, except that section alone which concerned the moving pictures. That was left out entirely. And I had an interesting correspondence with the associate editor of the paper about it afterwards, in which he told me why (to his great personal regret), it was left out (as I had told him it would be; so I was not surprised). It has happened over and over again in many places, and too often to be misunderstood.

Do you see the movies fairly criticized in the daily newspapers? Never, or very seldom! The newspapers as a rule take and print simply what the moving picture men themselves give them, because they are afraid that if they report the movies fairly (and at times unfavorably), the papers which do not criticize them will get all the movie advertisements and trade. It is a dangerous situation in American life to have a great trust dominating our newspapers in this way, when the newspapers might help us so much to raise the morals of the movies if only they had the courage to make fair criticisms of them, and

also to refuse their many sensual advertisements, and accept only decent ones. Our hope here at present lies in the religious press of the country.

The incitement to crime and lawlessness and robbery and gunplay in this 30 per cent of the movies becomes very apparent to any one who makes a special study of them. We have just now been in the midst of a great wave of such "Underworld" pictures.

The late Police Commissioner of New York City, Mr. Enright, made a strong statement on this matter before he left office: "We must get back," he said, "to purity of standards of living. The members of our youthful community who are deficient in moral training, and who lack stability of character, lured by false and vicious dreams of ease and luxury which they see constantly on the screen, are often impelled to take a chance of obtaining wealth by the short cut, crime."

And "judges all over the land," says the *Civic Forum*, "are declaring in language no intelligent person can fail to understand, or afford to ignore, that motion pictures are responsible in some large measure for the alarming increase in juvenile crime."

I went to see Pola Negri some time ago in *The Flower of the Night*, and I noticed three young boys who sat near me, of about 11, 9 and 13 years of age. "Now he is going to pull his revolver," said one of them to the other two. But "he" did not shoot that time! And so a little later on, another whispered, "Do you think he'll shoot this time?" There were two or three fatal shootings in the picture, and one gruesome hanging, and the three boys were particularly interested in those particular parts. The older boy had evidently brought the other two to see them! So lawless gunplay and murder were becoming a constituent part of those boys' thoughts and ideas. A young frequenter of the Lancaster movies who became especially interested in the gunplay and underworld burglary pictures, broke into the choir-room of one of the Lancaster churches and stole a new \$50 overcoat

and a gold watch. It was not difficult to see where his education in crime had originated. He came from a show in a certain moving picture theatre, and went back to it again after his theft.

Here are two recent descriptions of crime films in a Moving Picture Review:

Cheating Cheaters. A crook picture in which one set of crooks attempts to out-wit another for possession of a collection of jewels and are themselves outwitted by a woman detective. One of the sort of films likely to put undesirable ideas into the heads of imitative children. The pocket-picking scene especially interested two poorly dressed young boys, who sat in front of me at this picture.

City Gone Wild. An underworld story. A man who is first a defense lawyer for crooks, and later is appointed prosecuting attorney, allows himself to be misjudged by his girl because her pa is the man higher up who directs the gangsters and lives by their dishonest earnings. These pictures are almost in the nature of training schools for crimes of all sorts, thieving, gun-play, safe-cracking, pocket-picking and the like. Defeating the law is quite laudable if one can get away with it.

The number of such descriptions might be multiplied many times over, of gangsters and apaches and underworld habitués, and of their doings, in which shooting and killing and stealing and murder become commonplace; and while we would not criticize all shooting and killing and stealing in the movies by any means, this mass of underworld stuff for sensation's sake is inexcusable, harmful and demoralizing. "Crook pictures," said one of the film trade magazines some time ago, "seem to be in demand, or at least producers are thinking that way and looking for such material. So if you have one up your sleeve, dig it out. Female crook stories also wanted."

That the movies are of no help to Prohibition, in spite of the moving picture men's promise to ban all "unnecessary" drinking scenes and all careless anti-Prohibition propaganda, need hardly be stated. Drinking is constant and everywhere in them. My attention has lately been called, for example, to the film, *The Prince of Head Waiters*, in one of the scenes of which the drinking of college boys is portrayed, and the coat of one of them

is conspicuously displayed with rows of pockets filled with bottles of liquor;—while in *The Isle of Forgotten Women* there are scenes which advertise a certain well-known brand of gin and show a man in delirium tremens, and still another being bribed with a case of liquor, besides much obscene dancing; and in *Wine* the story consists chiefly of a series of wild and wet parties participated in by the flapper heroine and her play-mates;—and so on indefinitely. Wine and cocktails abound in the movies as though no Prohibition Amendment had ever been passed, and the mockery of the law is constant where so much might be done to uphold it.

When “Headline Vaudeville Monologist” Senator Ford, for instance, speaks on the Vitaphone in the movies, he declares concerning Prohibition that “Of course it was possible only as a war measure,” and he tells the story of how Abraham Lincoln, when complained to about Grant’s drinking too much, asked what brand of liquor he drank, and advised the complainants to go and do the same. And he ends his speech by saying that “Washington must have had a bottle before he crossed the Delaware, for no man who hadn’t had a drink would stand up in a boat.”

III

Where lies the remedy for this more than 30 per cent of salacious, sensual and morally demoralizing films? And how can we help to apply the remedy? Thru Mr. Will Hays, whose organization of Motion Picture Producers and Distributors is admittedly responsible for 90 per cent of the films? I do not think so! I wish that we could trust him and his organization’s ever-ready promise “to establish and maintain the highest possible moral and artistic standards in motion picture production,” and act through him.

But Mr. Hays’s job in my estimation is just two-fold:

First: It is to defeat all censorship bills, so far as he can, throughout the country;—as was done in Massa-

chusetts, for example, under the plea that Federal Censorship was far better than State Censorship, which made the people believe that the moving picture men were for Federal Censorship, and vote accordingly. But the moving picture men, including Mr. Hays, are no more for Federal Regulation of the pictures than they are for State Regulation. They are utterly opposed to both, and to anything that will endanger their hitherto enormous rate of profit.

Second: Mr. Hays's job and that of his office is continually to "whitewash" the moving picture output, and to lead people to think that the pictures are nearly all right now, and are constantly and rapidly improving, and are not at all a force for the disintegration of the family, (it is only cranks and fanatics who think that!),—as he would lead the country's business men to infer also that the great and rising foreign protest against the character of American films is not really on moral grounds at all, but only on business grounds, a matter of business competition. (But is this why England in a recent year thru a Censorship established at the request of the English Exhibitors, rejected in their entirety 361 American films submitted to them, where about 30 films only were rejected in this country by the New York censors?)

"The Hays Organization," says ex-Governor Milliken, Mr. Hays's private secretary, "sets a definite standard of morals, and is working continually to build it up, and is making splendid progress. It has kept 200 'best-sellers' or plays off the screen because of their immorality." But the Organization would have cut its own throat if it had dared to put so much perverted stuff on the screen, which Mr. Milliken himself says "no decent persons would read or look at." And yet it still screens Elinor Glyn's books, and puts out a play like *Rain* under a different name *Sadie Thompson*, and *They Knew What They Wanted* under the title of *The Secret Hour*, and scores of other plays and books which I might mention which are just as bad in their sensuality as the 200 rejected "best-

sellers." "And it has kept all crime out of the News Reels." That too is good, and yet here again the moving picture men must realize that crime shown in the newsreels would bring censorship upon them more quickly than anything else.

They have now promised eleven more "corrections" in the films in regard to suggestive nudity, and sex, and ridicule of the clergy, and profanity, etc.,—as they have made similar promises many times in the past, to treat twenty-six themes in all "with special care and good taste," such as "theft, safe-cracking, women selling their virtue, deliberate seduction, lustful kissing, the institution of marriage, first night scenes, men and women in bed together," etc., etc., but it is the same old story! We are compelled to judge the moving picture men (as Mr. Hays asked the Women's Clubs in 1922 to do) by their "actual performances" rather than by their "promises," and we are still waiting for that great moral improvement in the films which never comes. There is plenty of improvement in art and technique and all that, but the moral improvement lags, while American family life and standards are put in greater and greater jeopardy year by year.

As I look at the chief work of Mr. Hays, and hear his exhortations to let the moving picture producers cleanse their own industry; and as, in the words of a friend, "I read the statements that are put out unceasingly from his office about the high sense of duty felt by the producers towards the youth of America," and feel obliged to look behind the smoke-screen and judge by the pictures themselves; and as I am constantly confronted with the ideals and standards of life of so many who make the pictures, and read of their scandals and divorces and remarriages over and over again up to 7 times; and as I think of leaving the task of cleaning house to those who have defiled it;—and then as I think of the hopelessness of getting convictions against the producers (or exhibitors) of bad pictures in the courts,

or within any reasonable time, and of the unlimited financial resources and political power of the moving picture men,—I am forced to believe in some kind of outside regulation of the movies as the only effective remedy,—and I believe that an aroused Christian Church can bring it about.

The demand for Federal Regulation of the films at the source of their production, in accord with certain obvious and reasonable standards of decency, seems to me to be the demand which the Christian Church ought to make; and such a demand can be made in the next Congress, if the Christian Church so determines, through the Hudson Bill, H. R. Bill No. 13686, which has already been introduced in the House of Representatives. Letters sent to the Chairman of the H. R. Committee on Interstate and Foreign Commerce, the Hon. James S. Parker, House Office Building, Washington, D. C., will help greatly in the enactment of this sorely needed legislation.

Some Federated Women's Clubs have recently sponsored "the movement for better moving pictures for children on Saturday mornings," thinking that perhaps they could help a little to solve the problem in that way "by teaching the children under twelve years of age," as one of the chairmen has put it, "to like better movies, and so to learn to demand them in all moving picture houses when they grow older." Good movies for children under twelve years of age on Saturday mornings may be all right as far as they go, though it may be a question also as to whether it would not be better for children to be playing out in the fresh air on their Saturday morning holidays as a general rule, rather than to be learning to become regular moving picture "fans," who will not be content very long with Saturday morning movies only,—but let us not make the mistake of thinking that this is really reaching the real problem at all! Two hours of good pictures for small children on Saturdays, as against eleven hours of good, indifferent, and vicious and de-

moralizing pictures for young people over twelve, every day in the week, do not count for much. When the writer suggested in an open letter to the Federated Women's Clubs at Lancaster that if only the women could see their way clear to take up this far greater problem of the cleaning up of the movies for young people between the ages of twelve and twenty, they would really be doing America an incalculable service, the chairman of the Women's Committee replied:

Dr. Twombly is asking the impossible of the Federated Clubs. The women realize that managers, producers and actors are giving the public exactly what the public wants and will pay to see. Therefore we must train the little children to want something better!

Now I cannot believe that we are asking the impossible of the women of America, or of the mothers of America, to whom their sons' and daughters' purity of heart and mind and life and ideal of marriage are a matter of so great concern,—nor of the Federated Women's Clubs, when we ask them not to evade the main issue of this question, or to think that they will be doing anything of any very far-reaching consequence, until they seek to curb this business at its source. For if the Women's Clubs, and the Churchmen and Churchwomen and the Churches of America do not soon awake to this subtle evil influence that is undermining the country's standards of purity and marriage and clean family life, we shall awake some day, too late, to see America's ideals of manhood and womanhood debauched and ruined. And I will add this: Any great Federation of Clubs or any great Church, Protestant, Catholic, or Jewish that will rise in its might and fight fearlessly and continuously for cleanliness in the movies, to the very end, will be doing a mighty service for this country that will never be forgotten.

The National Congress of Parents and Teachers can help greatly in this direction also, as they understand the situation, and are free from any restraining liaison

with the moving picture industry, and are especially and deeply concerned with the moral welfare of their children.

In a debate upon the subject of the movies in New York City in January, 1928, Dr. Wolf Adler is reported to have said, "Federal control will not be of any use because it cannot abolish things as they are. . . The movies do not influence morals for the worse, they merely reflect morals as they are, by showing the realities of life."

Is it a good thing, then, to show all the sinister realities of life, the inside of a brothel, the methods of criminals, or obscene and sensual pictures, because such things really exist? Have evil scenes no tempting power in them, no effect upon young people's imaginations, or desires, or conduct? And if "Federal control of evil moving pictures will not be of any use because it cannot abolish things as they are," why then try to control any evil social situation, like child-labor, or sweat-shops, or Louisiana lotteries? Why not let all immoral situations take care of themselves?

Ida Clyde Clark, lecturer and author, and a speaker at the 4th Annual Conference of the National Board of Review of Motion Pictures, held in New York this year, declared (like the Chairman of the Lancaster County Women's Clubs Committee): "The only thing the matter with the movies is the audience! The American public is tabloid-minded, and has the tabloid soul. It wants a stimulant for its atrophied or undeveloped emotions, and it prefers to take it undiluted and unrefined."

What a confession, from another opponent of all regulation of the movies! And what a revelation from a friend of the moving picture men, of the kind of movies we are now getting! We have often heard this excuse from the moving picture men for the kind of movies they are producing,—and somehow it has never seemed to tally with Mr. Hays's declaration for "the highest possible moral and artistic standards in motion picture produc-

tion," unless the tabloid movie is the "highest possible" so far! But even if the 60,000,000 different American people who see the movies every week were of this tabloid kind, would there be no higher moral obligation on the part of the third or fourth largest industry in the country than to pander to the tastes of a tabloid-loving audience, for money?

I have wanted the readers of these articles to realize that there are full and sufficient grounds for all the statements that have been made in them. I do not believe that I am fanatical or narrow-minded on this subject. I recognize the good in the movies, and their still greater possible good,—their wonderful photography, and their marvellous artistic effects, their great educational and recreational values. I do not want them to be wiped out or suppressed; I want them to be made clean.

"The one thing needed in America today," said Ex-Governor Milliken, secretary to Mr. Hays, to a meeting of combined Women's Clubs in Lancaster last March, "is self-control among our young people!"

At the very hour at which Mr. Miliken made the above statement, a film for which the moving picture men he represented were responsible, the film of *Don Juan*, was being shown at one of the moving picture houses in the city, and advertised in the papers (by the picture of a nude woman in the arms of Don Juan) as "the season's best picture!" In this picture there were scenes of Don Juan's father showing his twelve-year old son his six mistresses, one by one, some of them in most indecent dress, in close up views, and numerous other sensual scenes and dances. Even Don Juan's conversion at the moment when he is about to overpower the girl he "loves," and she faints in his arms, is short-lived. He thinks her false, and goes on as before seducing every woman he can,—ladies or ladies' maids, it makes no difference! The effect which this picture had on some boys who were present was very manifest. They yelled aloud, and shouted with delight, over every new girl that Don Juan got in his power.

I cannot think of anything more calculated to break down "self-control" in our adolescent youth than a picture like this, and the more than 30 per cent of the movies of which I have been writing. And this Hays-Milliken moving picture propaganda which says but does not do, is, I believe, one of the most pernicious things in the moving picture situation in America today, and perhaps the one thing we need most to uncover,—as it practically denies the salacious in the films, and tells of the high ideals of "service" reigning in the business, and upholds such a rank monopolistic procedure as "block-booking," and proclaims the great moral improvement in the movies which never takes place, and never will take place except under compulsion from without,—or, loss of box office receipts.

When we realize what a vast influence these moving pictures have, going on day by day without cessation, and gradually, but surely and steadily, shaping moral standards and ideals of life for so many not only in this country, but in many others, we are indeed culpably blind if we do not recognize how essential it is that they should become a constructive and not a destructive moral force, and if we do not do our best to make them decent, as we care for our children and the future of America.

BRIEF EXCERPTS

The false conclusions of the screen productions are ruining our girls.—*E. J. Dupuy. Transactions of the Commonwealth Club of California.* 16:215. August 1921.

It looks to me as if Mr. Hays was employed to prevent censorship.—*Henry L. Myers. Congressional Record.* 62:9656. June 29, 1922.

All the shameful censored scenes are being shown all over our country in communities which have no censorship.—*Bishop Stires. Churchman.* 141:9. March 1, 1930.

The members of this board [the National Board of Review] are appointed by the producers themselves.—*William I. Swoope. Congressional Record.* 67:1192. December 19, 1925.

Films are more injurious to our young people than the smuttiest magazine ever published, for they are led unsuspectingly into the web.—*Mrs. Charles E. Merriam. Educational Screen.* 2:270. June 1923.

Unclean movies and unclean actresses and actors have about damned our young folks. I believe absolutely in the strictest censorship of both pictures and actors.—*Bob. Jones. Literary Digest.* 77:28. June 23, 1923.

All will agree that the sex motive in motion pictures is being absurdly overdone. The situation is worse than it has ever been.—*Benjamin B. Hampton. Current Opinion.* 70:362. March 1921.

The motion picture industry is too stupid to turn out films even good enough to meet the popular demand.—*By a Producer of Moving Pictures. Collier's.* 70:3. September 16, 1922.

The movies are making their mark on ten million American minds every day. We are already beginning to pay the price in lowered standards of democracy.—*Collier's.* 70:3. September 16, 1922.

On all sides we find movies that are grossly sensual and glorifying crime. The youth breaks the law that in the movies he is taught to break.—*Judge George W. Martin. New York Times.* January 22, 1925. p. 8.

I have seen movies that would curl your hair, in spite of the motion picture censorship we are supposed to have. *One Arabian Night* is such a picture.—*Theodore Dreiser. Independent.* 110:191. March 17, 1923.

The [moving picture] producers want the money, and they are willing to make the money at the cost of our national moral health.—*E. J. Dupuy. Transactions of the Commonwealth Club of California.* 16:214. August 1921.

The necessity for censorship of motion pictures is beyond question.—*Report of the Committee on Education.* p. 1. *House of Representatives. 63d Congress. 3d session. February 16, 1915.*

The movie censors have, contrary to what the movie press agents have insinuated into [sic] print, actually done no damage to a single reputable picture that I can discover.—*George J. Nathan. Art of the Night.* p. 108.

What is the use of employing our teachers to inculcate in our children a love of good literature if that taste for the classics is to be nullified by films which give a distorted view of life and which often distort and pervert the classics?—*World's Work.* 48:249. July 1924.

In reviewing and commenting on the criminal cases which came before them in 1924, the judges of Kings county, New York, went on record definitely blaming vicious and improper motion pictures as a cause of crime.—*Independent.* 114:114. January 31, 1925.

Most of the photoplays of the present time should never be exhibited before the eyes of the child or of the young folks. These pictures are unfit for exhibition before the eyes of adults.—*Judge Alonzo G. McLaughlin. New York Times.* January 18, 1925. p. 3.

Eighty per cent of the girls who come before our [Belgium] courts are devotees of the emotional film, and they choose cinemas where music adds to the emotional and perverse enjoyment.—*M. Maurice Rouvroy. Justice of the Peace.* 92:426. June 23, 1928.

The decision of the National Board of Review is not binding. Pictures which have been disapproved by it are shown to the public.—*Report of the Committee on Education. p. 2. House of Representatives. 64th Congress, 1st session. May 17, 1916.*

Some of the most disgusting and revolting films imaginable, revealing the vices of our people, have been produced for exhibition at private entertainments.—*Annual Report. New York Motion Picture Commission. 1922. p. 9.*

The motion picture business, as now conducted, is blighting the mental, moral, and spiritual potentialities and possibilities of the American child.—*William D. Upshaw. Proceedings of the Sixty-fourth Annual Meeting of the American Education Association. 1926. p. 78.*

County judges in Brooklyn condemned motion pictures as crime breeding and a menace to the morals of the community. They said they saw a connection between the number of criminal cases and the type of motion pictures exhibited.—*New York Times. January 18, 1925. p. 3.*

The motion picture is sensual, and nothing demoralizes more than sensuality. At the movies the young see things they never should be allowed even to hear or think about. Under such conditions the downfall of young girls is not remote.—*Judge Franklin Taylor. New York Times. January 18, 1925. p. 3.*

To accomplish a thoroly satisfactory cleansing of the screen from its vicious elements, it will be necessary by Federal regulation through Congress to deal with motion pictures at the source of production, before the expense of filming them has been incurred.—*William S. Chase. Dearborn Independent. 26:14. January 9, 1926.*

Censorship has proved its usefulness, because in none of the states where it has once been established has it been abolished. And, outside of the United States, it has spread over the entire civilized world.—*William I. Swoope. Congressional Record.* 67:1192. December 19, 1925.

The motion picture, while possessing very great recreational and educational value, has done great harm by over-stimulating sex emotions.—*Report of the Committee on Marriage and Home of the Federal Council of the Churches of Christ in America. Current History.* 19:809. February 1929.

We know now of instances where boys, after seeing moving pictures where murders are committed, have gone out from those places and later committed murders themselves. The purpose to murder was traced to the harmful moving picture.—*J. Thomas Hefflin. Congressional Record.* 71:4469. October 11, 1929.

Why clean minded men and women and innocent boys and girls cannot be treated to the beauties and the possibilities of the still drama without having introduced on the program something which is suggestive or indecent, is one of the unaccountable conditions at present surrounding the motion picture industry.—*Sydney H. Coleman. National Humane Review.* 7:106. June 1919.

To the dismay of the moving picture industry, censorship has actually arrived. The fathers and mothers of the nation have come to the conclusion that the wholesale vulgarization of youth shall stop. It is too marvelous as a vehicle of true recreation to remain in its present condition.—*Hamlin Garland. Literary Digest.* 80:28. January 19, 1924.

The constitution of the United States gives to the national government the right to control interstate and

foreign commerce. It will not be seriously contended that motion picture films, which are shipped into every state and from this country over all the world, are not articles of interstate and foreign commerce.—*William I. Swoope. Congressional Record.* 67:1192. December 19, 1925.

The best argument I ever saw in favor of censorship or regulation of motion pictures was in the state legislature of Pennsylvania when the censor board of Pennsylvania conducted a private view of motion pictures which they had rejected. It was easy to see without argument that the pictures that they had rejected could not properly be exhibited to miscellaneous audiences.—*William I. Swoope. House Hearings.* 1926. p. 21.

The producers bitterly arraign the state censor boards and the possible Federal Commission because they are or would be made up of political appointees. Yet, when they started in to reform themselves, they secured at an enormous salary a well known politician out of the late President's cabinet and intrusted to him the task of cleaning up the movies.—*William I. Swoope. Congressional Record.* 67:1192. December 19, 1925.

I feel this moving-picture situation is one of the most serious situations we have confronting us in the country. One-third of all the films shown in this country today, shown to 20,000,000 people daily, or, I would judge to some sixty million different people a week, are in some part sensual and salacious, and they are designedly and intentionally so in my estimation, for profit.—*Rev. Clifford G. Twombly. House Hearings.* 1926. p. 27.

In view of the great publicity of the movies and the fact that they are patronized by so many of our young people, I regard a proper censorship not only as desirable, but as absolutely imperative. If this great cause is committed for direction to those who are commercially

interested only, it is bound to prove a demoralization to the youth of the country. I approve a censorship.—*Bishop William F. Anderson. Literary Digest.* 77:28. June 23, 1923.

The unregulated motion picture screen has been the school of crime in every country of the world for twenty-five years. It has ridiculed marriage and holiness of pure sex relations, the sacredness of the home and obedience to father and mother. It has advocated theft, gambling, and disrespect for law. It has justified divorce, free love and violations of the Volstead Act, and of all laws.—*William S. Chase. New York Evening Sun.* April 21, 1926.

The foregoing figures indicate that the New York law has kept many evil scenes out of the motion pictures shown in that state which have been shown in the other states where there are no censorship laws. These figures also indicate that the motion pictures, as they have left the producers, have been growing morally worse rather than better since Will Hays took control of the industry.—*William S. Chase. Dearborn Independent.* 26:14. January 9, 1926.

Evil pictures tend to educate children and irresponsible people in the different methods of committing crime and escaping punishment and reveal to the immature and uninitiated in a most flagrant manner the vices and weaknesses incident to human nature. Statistics show, in many instances, that juvenile criminals are imitating or attempting to commit crimes depicted on the screen.—*Annual Report. New York Motion Picture Commission.* 1922. p. 9.

Censorship is needed as an assurance that there shall be no lapse into the old loose ways, no return to sensual pictures as a way of grabbing the most money. Hun-

dreds of millions of dollars a year are spent by the public on moving picture shows, and the state has a right to know as a positive fact, made positive by law, that the money is not spent in ways harmful to its citizenry and damaging to society.—*Senator Henry L. Myers. Congressional Record.* 62:9657. June 29, 1922.

The recreational hours of our youth are making criminals of them today. You cannot expect them to become good citizens if you feed them on vice and crime in their recreational hours. Vice and crime beget vice and crime. We have learned that a child cannot live amongst criminals and not be affected, but we have not stopped to realize that pictures of vice and crime are just as bad as the reality.—*Mrs. Charles E. Merriam. Educational Screen.* 3:263. September 1924.

The clergy, educators, judges, and welfare workers of all kinds might as well lock up the churches, shut the books, close the courts, if they are going to permit the filthy motion pictures to continue. Juvenile delinquency has increased in the past eight or nine years, and I know it is owing to those pictures. I am in a position to know, as I have the confidence of the young people who fall into our hands.—*Ellen A. O'Grady. Deputy Police Commissioner of New York City. National Humane Review.* 7: 106-7. June 1919.

The New York Motion Picture Commission in 1924 rejected thirty-four feature pictures in all. The very fact that the movie commission existed probably kept out of the state a larger number of films still worse than the thirty-four which were rejected. The owners of such vile films did not care or dare to submit their pictures to a commission which was certain to reject them, but many of these films are now being exhibited in other states which have no censorship law.—*William S. Chase. Dearborn Independent.* 26:14. January 9, 1926.

The National Board of Review is inadequate to perform the functions of national regulation. It has no official authority, and the testimony taken by the Committee on Education in 1916 shows that many pictures which the board rejected were nevertheless exhibited. Moreover, it exercises supervision over only 85 per cent of the pictures produced. The more unscrupulous producers do not even submit their vicious pictures to this board.—*William I. Swoope. Congressional Record.* 67: 1192. December 19, 1925.

The film that depicts crime, violence, unbridled passion, that reproduces the pictures of expensively and scantily dressed women at attractively staged orgies, must of necessity give the child a distorted view of life and its values. The thoughtful, unprejudiced observer cannot escape the conviction that the best interests of the child have not been served by the new form of entertainment. The juvenile population would be better off without it, in its present form. The too prevalent film plays of crime and sex interest leave evil suggestions in the child mind.—*Sunset.* 37:31. July 1916.

The elements that should be debarred are evidently obscene conduct, immorality attractively presented, violation of law instigated or condoned, and evil triumphing over good. It is one of the strange inconsistencies of life that the law forbids the circulation through the mails of books that contain these elements of evil and yet does not note their presentation to millions of people through moving pictures. A correct standard of censorship for films to be shown to adults will safeguard these points.—*Minnie E. Kennedy. The Home and Moving Pictures.* p. 26-7.

Most of the arguments that have been urged against some sort of movie control could be urged against any law that we enact for the safety of society. There is a good deal of talk these days about blue laws, a good deal of nonsense talked every day upon that subject and about

personal liberty. We know well enough that we can't let the world wag along without any control or restraint or care. The morality of our young people is being undermined by the character of pictures that are being shown in our theaters. There is no possible question about it.—*Rolla V. Watt. Transactions of the Commonwealth Club of California.* 16:216. August 1921.

Most of the moving pictures are salacious and vicious, and their effect on the minds of the young can only be, and as a matter of fact is, to entice the young out to the road that leads to ruin. These pictures glorify crime or depict the rotten trail of sensuality. It is sought to justify their exhibition on the explanation that they point a moral. As sensible would it be to drag a child through flames, so that the child might later feel the soothing effect of some salve. Sear the mind of the child with the rottenness of sensuality and of glorified crime, and no moral will ever produce relief, much less a cure.—*Judge George W. Martin. New York Times.* January 18, 1925. p. 3.

When a picture is attacked under existing state statutes prohibiting the showing of the salacious and the obscene, the real responsible party, the producer or distributor, usually is outside the jurisdiction of the state and therefore immune to criminal prosecution. If an action be brought to punish the exhibitor of an offending picture, the picture goes right on showing to augmented crowds through the workings of an injunction easily secured by the exhibitor. Even if the injunction is beaten and the decision is finally against the showing of the picture, it takes two or three years and the only result is a small fine.—*George P. McCabe. Forces Molding and Muddling the Movies.* p. 42.

The films have deteriorated so much that even the critics are ridiculing and denouncing them, and an editorial appeared in one of our metropolitan papers this

week commanding censorship. Members of our Chicago censorship board who have been viewing pictures for twelve years think that they are worse now than ever. Considering that the constant reviewer generally becomes hardened to scenes of this sort, this criticism is far from being a hopeful sign. During one week in July, of 13 feature films seen by our censorship board, 5 were rejected, 3 were given adult permits, one received 69 cuts, another 63 cuts. Ten pictures out of 13 needed drastic treatment. What about the communities that have no protection such as censorship brings?—*Mrs. Charles E. Merriam. Educational Screen.* 3:263. September 1924.

Five years ago the Federal Trade Commission issued an official complaint against the Famous Players-Lasky Corporation and five other organizations, and after four years of searching investigation a report covering 17,000 pages has been issued, setting forth "unfair and unscrupulous methods" in operating this great monopoly. With \$1,500,000,000 invested, with annual admissions amounting to \$1,000,000,000, with 20,000 theatres and a daily attendance of 20,000,000, three-fourths of them young people, and with many screens reeking with social rottenness and flashing defiance to every decent law of God and man, only the strong arm of the Federal Government can cope with this colossal menace to the ideals and the morals of the homes and the youth of the nation.—*William D. Upshaw. House Hearings.* 1926. p. 24.

When I think of Mr. Will Hays's plan of reforming the movies from within—although I have come to believe that his real job is to defeat all attempts at regulation of the movies—when I think of the morals of the leading actors and actresses in the film, for whom I have nothing but kindly feeling; when I think of the impossibility of getting court action on the films in any reasonable time; when I think of the inadequacy of State boards of censorship, which are often influenced politically and

controlled by politicians, some sort of reasonable Federal regulation seems to be imperative and essential, and the only way out, if we are going to try to keep American life and moral standards pure and true and throw a reasonable protection around our boys and girls.—*Rev. Clifford G. Twombly. House Hearings. 1926. p. 29.*

Bernard Fagan, Chief Probation Officer of the Children's Court in New York city, scored the "movies" before the convention of the National Conference of Catholic Charities recently held in St. Louis. This man, with direct and intimate knowledge of what he says, declares that the movies, more than all other factors combined, contribute to the demoralization of children. He says: "Nearly all of the popular priced films, particularly those shown in the cheaper houses, are reeking with filth and sex. They make vile impressions upon impressionable children. The movie world is filled with false ideas crystallized into axioms. Gang wars, prostitutes and crime are featured in almost every successful picture. Imagine how impossible it is for a child to escape contamination after viewing the filthy details of these sordid phases of life."—*Catholic Universe Bulletin (Cleveland, O.) November 9, 1928.*

The character of the motion picture industry renders state and municipal regulation inadequate. Motion picture films are essentially articles of interstate commerce. They are not manufactured for use in any one state or municipality but practically every picture is exhibited in all of the states of the Union. Innumerable inspections by local boards work great hardships on the industry. In the absence of any official Federal regulation the states and cities are finding it necessary to establish these local boards to prevent the exhibition of immoral, indecent, and obscene pictures. The only adequate method of regulating motion pictures is to be had in a Federal commission, and the establishment of such a commission is

the one way to obviate the necessity for innumerable local boards.—*Report of the Committee on Education.* p. 2. *House of Representatives.* 64th Congress, 1st session. May 17, 1916.

"The vicious picture brings the larger return to exhibitor and producer, because it gets the money of the regular customer and the sensation seeker also. This state of affairs constitutes a temptation hard to resist, and in fact the production of vicious pictures is constantly increasing just because they are more profitable. If the industry is to endure, if decent people are to stay in the business, this cancer must be cut out. A Federal regulatory commission should prove a fearless surgeon and we therefore favor a commission." This statement of conditions is made in the brief filed with the committee by the legal representatives of four of the ten manufacturers who produce 90 per cent of the motion pictures in the United States, and by the legal representatives of one of the largest distributors of motion pictures in the country.—*Report of the Committee on Education.* p. 1. *House of Representatives.* 64th Congress, 1st session. May 17, 1916.

The greatest argument in favor of the regulation of motion pictures is the action of the motion picture producers themselves in establishing a national board of review. This board represents, however, only 85 per cent of the motion picture producers, and it was shown at the hearings before the Committee on Education in 1916 that even the pictures which this national board of review rejected had often been shown in theaters, and 15 per cent of the producers do not even submit their pictures to the National Board of Review. Motion picture regulation has been adopted by every civilized country in the world. It has extended all over the world. Even Russia and Japan have forms of regulation, and pictures are actually rejected in Tokyo today that have been

exhibited in some of our American theaters. If we are going to have censorship, it follows that it should be had by a Federal Board.—*William I. Swoope. Congressional Record.* 67:1190. December 19, 1925.

Another evil which is becoming apparent upon the screen is the dissemination of propaganda which is inimical to American institutions. It is a well recognized fact of which the Department of Justice of the United States has taken cognizance, that there is a persistent effort upon the part of foreign producers and some producers in our own country, to produce films which teach lessons which are destructive of the fundamentals of our government. These films are encouraged by undesirable foreigners who gain admission to our shores and seek to undermine and revolutionize our form of government through insidious propaganda. The legitimate producers of films do not approve films of this character. Nevertheless, they are without power to prevent their being manufactured and exhibited here, and there is no way by which they can be suppressed except thru governmental agencies.—*Annual Report. New York Motion Picture Commission.* 1922. p. 9-10.

The following statistical tabulation, made by the secretary of the Pennsylvania Board of Censors, is indicative of the character of the pictures viewed by school children: "Fifty per cent of the moving pictures are cheap melodrama or have to do with crime; 25 per cent are comedy and are often vulgar; and about 5 per cent are wholly good. Another authority holds that 25 per cent show murders and suicides; 10 per cent intemperate drinking and drunkenness; and 27 to 30 per cent show robberies, gambling, poisoning, blackmailing, or crimes of the underworld." One need not reiterate facts so generally known. It is conceded that the moving picture depends for its sale upon its appeal to basic human motives. One need only examine a few representative titles to dis-

cern the motives appealed to. The following titles are illustrative: *Sinners in Silk*, *Unguarded Women*, *A Perfect Flapper*, *The Gilded Butterfly*, and *The Untamed Lady*. Box office success is the producer's criterion of the picture's merit. The bulk of moving pictures are neither artistic nor instructive.—*Harvey C. Lehman and Paul A. Witty. Education.* 47:43. September 1926.

One of the favorite arguments of those who oppose the regulation of the motion pictures is that by so doing the liberties of the producer and the exhibitor are curtailed. Every person's liberty is curtailed, if you desire to dignify conduct by that term, when his acts tend to corrupt the morals of our people and are inimical to the public welfare. It is only by the regulation of the conduct of the individual that our social status is maintained and civilization advanced. The logic of the opponents' argument would be equivalent to a license to do what they please, regardless of public welfare, all in the name of personal liberty. They also contend that freedom of speech and the freedom of the press are endangered by the spread of censorship. These rights are safe-guarded by both state and Federal constitutional provisions and, at the instance of motion picture interests, in suits instituted by them, the United States Supreme Court (236 U.S. Reports 241), as well as our state courts, have held that the motion picture does not come within these provisions of the Constitution and that the acts are constitutional.—*Annual Report. New York Motion Picture Commission.* 1922. p. 10.

The effect upon children became so apparent that a demand for cleaner pictures arose and has spread throughout every civilized country. This demand has resulted in an attempt to regulate the industry in the public interest to the extent, and only to the extent, of suppressing evil pictures. So widespread, however, has been the demand that better pictures be exhibited, that

censorship has spread in one form or another over the entire civilized world. England, all of Canada, Australia, India and other English provinces are under a strict censorship; also Italy, Germany, Czecho-Slovakia, Poland, Sweden and the Philippine Islands and in our own country, the states of Kansas, Ohio, Virginia, Maryland, Pennsylvania and Florida, as well as our own state, have statutes which regulate the motion picture. The Florida statute, in substance, provides that only films approved by the New York State Commission or the National Board of Review can be exhibited in the state. Nearly every city of any size within the United States has some form of regulation or censorship. Japan, Russia and other countries have a method of censoring motion pictures. There is an agitation going on in practically every state in the Union, and a wholesome moral sentiment is demanding the removal from the screen of many of the pictures now produced.—*Annual Report. New York Motion Picture Commission. 1922.* p. 8-9.

In the *New York Times* for February 3, 1928, is a letter from Wilton A. Barrett, Executive Secretary of the National Board of Review. As an employe of the motion picture interests Mr. Barrett no doubt felt it was his duty to write the *Times* a letter of approval for an editorial opposing legal censorship of the moving pictures. But in this letter he made a fatal admission. He said, "If the various State Censor Boards stuck strictly to their task, they would perceive that the alleged necessity for eliminating undesirable scenes has dwindled to a minimum, for practically [but not absolutely] all the producers are helping this automatic control both in an effort to raise the quality of their product and as a matter of self-interest, since it is an economic folly to make pictures which are susceptible to condemnation by the Censors in part or in entirety." Thus Mr. Barrett admits that the few state and municipal censors are a power improving the films of the whole country. Then

he goes on to differ with the *Times*, claiming that the members of this Board of Review are not "representative of the movie interests," but that they are "representatives of the moving picture audiences." Of course this falsehood has not fooled anybody. Let Mr. Barrett tell where his salary comes from. If "review" is necessary, why can it be done best by a private volunteer body which does not have jurisdiction of all films and which has no power to enforce its decisions? This is waiving the fact that it is an agency of the very interests it pretends to "review."—*Cleveland Clatter*. April 1, 1928.

When we look to the source of the moving pictures, the material for them, the personnel of those who pose for them, we need not wonder that many of the pictures are pernicious. The pictures are largely furnished by such characters as Fatty Arbuckle, of unsavory fame, notorious for his scandalous debauchery and drunken orgies, one of which, attended by many "stars," resulted in the death of Virginia Rappe, a star artist; William Desmond Taylor, deceased, murdered for some mysterious cause; one Valentino, now figuring as the star character in rape and divorce sensations. Many others of like character might be mentioned. At Hollywood, California, is a colony of these people, where debauchery, riotous living, drunkenness, ribaldry, dissipation, free love seem to be conspicuous. Many of these "stars," it is reported, were formerly bartenders, butcher boys, sopers, swampers, variety actors and actresses, who may have earned \$10 or \$20 a week, and some of them are now paid, it is said, salaries of something like \$5,000 a month or more, and they do not know what to do with their wealth, extracted from poor people, in large part, in 25 or 50 cent admission fees, except to spend it in riotous living, dissipation and "high rolling." These are some of the characters from whom the young people of today are deriving a large part of their education, views of life, and character forming habits. From these

sources our young people gain much of their views of life, inspiration, and education. Rather a poor source, is it not? Looks like there is some need for censorship, does it not?—*Senator Henry L. Myers. Congressional Record.* 62:9657. June 29, 1922.

The National Board of Censorship at New York city [now known as the National Board of Review] is composed of representatives of various moral and civic organizations. The expenses of this board are paid by some of the leading motion picture interests, and it has no legal authority. At the request of the manufacturers this board passes upon the pictures. The actual work is largely done by paid secretaries as representatives of the board, working under standards approved by the board. It is estimated that from 85 to 95 per cent of all pictures produced in this country are passed upon by this board. In addition to this voluntary board there are numerous official censors, both state and municipal. The establishment of such large numbers of these local boards clearly demonstrates the inadequacy of the so-called National Board of Censorship, which by its very unofficial character cannot exercise effective censorship. Though it were to exercise a careful and intelligent censorship over 95 per cent of all pictures, still there would remain 5 per cent which could be immoral and unfit to be shown. It is only fair to assume that those pictures which are most objectionable will not voluntarily be submitted for censorship. An unofficial board which has not the right to examine 100 per cent of the pictures is in reality not a board of censorship, but a board of recommendation and approval. As a matter of fact, evidence before the committee discloses that a very considerable percentage of the pictures approved by the unofficial board are declared by the local boards unfit for exhibition.—*Report of the Committee on Education.* p. 1-2. *House of Representatives.* 63d Congress, 3d session. February 16, 1915.

The Rev. Clifford Gray Twombly, D.D., rector of St. James Church, Lancaster, Pennsylvania, who has almost single-handed been waging war upon the evil, estimates that of the twenty million people who daily look upon the films in this country, 75 per cent are under twenty-four years of age, while more than 30 per cent of the films, or about one in every three, are striking at the very basic corner-stone of American life, for they are tending to destroy the sanctity of marriage and of the family, and are making light of personal purity. They are subtly and insidiously and intentionally sensual.

Dr. Twombly estimates that ten million children of school age are in daily attendance at the screenhouses, to be regaled with this sort of stuff interlarded with other material less offensive, but thoroughly tainted by it. One needs to do no more than scan the billboards or read the movie-showhouse announcements in the press, to be certain that the vile is emphasized and the suggestive played up, above all other forms of attraction. That the picture industry has become the fourth or fifth largest in the United States under these conditions would seem to justify the judgment of the producers in feeding out so great a proportion of filth. If this were done frankly, they could be left to the authorities, but it is all disguised under a hypocritical camouflage maintained by three men, who have chosen to sell their own good repute to the shameless and mercenary group who fatten off the souls of the innocent, and who pretend they are interested in art. This shallow pretense has now worn thin, and thru the threadbare veil appears Greed in the full panoply of the richness it has grasped.—*Literary Digest*. 102:28. August 10, 1929.

A new evil threatens in the field of motion pictures. It is the evil of the filmed sex novel. It is the flapper sex film, the triangle photoplay, and other varieties of sensational pictures based upon the prevalent type of objectionable fiction. The mad rush of certain motion

picture producers to corral the output of such writers as Elinor Glyn, Gertrude Atherton, Warner Fabian, Joseph Hergesheimer, and others, and the presentation in movie form of the sensational themes of their novels is rapidly precipitating a new crisis in the attitude of the public towards the motion picture. That the public is beginning seriously to question the integrity of purpose of those manufacturers who some time ago promised the public a clean motion picture product cannot be longer doubted. The National Association of Motion Picture Producers and Distributors is solemnly on record that its members will strive "to establish and maintain the highest possible moral and artistic standards in motion picture production" and "develop the educational as well as the entertainment value and general usefulness of motion pictures." This pledge was officially transmitted less than two years ago by Will H. Hays. Notwithstanding this pledge, last season witnessed a number of flagrant violations on the part of members of this association. This season has witnessed an even greater number of violations. The decent self-respecting people of this country will not much longer tolerate the selfish commercialism which has prompted certain film manufacturers to regard their incorporated standard of production ethics as "a mere scrap of paper." To see the American people continually imposed upon by motion picture producers and exhibitors actuated only by a selfish commercialism is a thing which no self-respecting and public-spirited person can tolerate or condone. The screen has tremendous possibilities as a useful medium, as an instrument of education and entertainment. It has, on the other hand, equal possibilities for evil in weakening or destroying the moral fiber of the youth. In this latter connection, the filmed sex novel is, in the opinion of a great many observers, more than offsetting the positive preachments delivered from all the pulpits in the land. Legalized censorship may prove to be the only remedy. The whole difficulty could be cleared up, however, if the

producers would live up to their pledged word by putting their standard of production ethics into practice. It would be better for them to do that voluntarily before being compelled to do so by a disillusioned and angry public.—*Charles A. McMahon. Child-Welfare Magazine.* 19:23-5. September 1924.

Bring the old dark ages back without the faith, without
the hope,
Break the State, the Church, the Throne, and roll their
ruins down the slope.
Authors—atheist, essayist, novelist, realist, rhymster,
play your part,
Paint the mortal shame of nature with the living hues
of Art.
Rip your brothers' vices open, strip your own foul
passions bare;
Down with Reticence, down with Reverence—forward—
naked—let them stare.
Feed the budding rose of boyhood with the drainage of
your sewer;
Send the drain into the fountain, lest the stream should
issue pure.
Set the maiden fancies wallowing in the troughs of
Zolaism,
Forward, forward, ay and backward, downward too into
the abyss.
Do your best to charm the worst, to lower the rising race
of men;
Have we risen from out the beast? Then back into the
beast again.
Heated am I? you—you wonder—well, it scarce be-
comes mine age—
Patience! let the dying actor mouth his last upon the
stage.
—*Alfred Tennyson. Locksley Hall Sixty Years After.*
Lines 137-51.

NEGATIVE DISCUSSION MINORITY VIEWS¹

This bill proposes to regulate by a Federal commission the principal amusement agency and what is rapidly coming to be one of the chief educational agencies of the people of the United States. It is not proposed to censor the plays or operas produced at the high-priced theaters thruout the country, but it is proposed to give five men at Washington the absolute power to determine beforehand what the great mass of the American people shall be permitted to see depicted upon the motion-picture screen. Before the National Government undertakes thus to exercise the local police power hitherto reserved to the States, and to regulate purely local amusements, thus stretching the implied power of the interstate-commerce clause of the Federal Constitution to the breaking point, it is incumbent upon the proponents of such legislation to show that a widespread evil exists with which the State and local authorities are unable to cope.

At the hearings before the committee practically no real evidence was introduced tending to show that any significant proportion of the moving-picture films now being exhibited in the United States are objectionable. In the last analysis it appears that what the proponents of this legislation really desire is to prevent the exhibition through the agency of the motion-picture film of any book or play which in any way depicts crime or immorality, or paints the evil side of human life, on the ground that such scenes tend to corrupt morals and incite to crime. It is obvious that any such test as this would prevent the great mass of the American people, whose limited means will not permit them to patronize the high-priced the-

¹ Minority Report. Committee on Education. House of Representatives. 64th Congress, 1st Session. May 22, 1916. Report no. 697, pt. 2.

aters, from seeing depicted on the motion-picture screen practically all the great works of literature from the beginning of time. Judged by any such standard most of Shakespeare's plays and even many parts of the Sacred Scriptures would be barred. That there are occasional indecent and obscene motion-picture films exhibited here and there is perfectly true, just as there are obscene and indecent plays produced in high-priced theaters and indecent and immoral books published. Such productions, however, are already prohibited by the laws of the several States, and their transportation from State to State is also prohibited by Federal statute under severe penalties. In our opinion, an amendment to the United States Penal Code including motion-picture films in the list of objects barred from interstate transportation will answer every purpose and is as far as Federal legislation should go. Such an amendment is proposed in a bill introduced in the present Congress and now pending before the Committee on the Judiciary.

Moreover, there was no evidence whatever before the committee that local regulation of the exhibition of motion-picture films has proved ineffective where it has been tried. It is entirely within the power of the several States to provide that the executive or police authorities of the local communities shall have absolute power to grant and revoke licenses for all places of amusement within their several jurisdictions, and in many communities this power is now being effectively exercised. Furthermore, most of the States already have laws making it a criminal offense, punishable by fine and imprisonment, to exhibit any obscene or indecent picture. Where the local police power is thus ample effectively to deal with whatever evils exist in the motion-picture business, regulation by the National Government is manifestly uncalled for, unnecessary, and unjustifiable.

The overwhelming weight of opinion amongst those producing motion pictures is against the proposed censorship bill. The opposition to the bill represents more than 85 per cent of the total number of motion-picture films

produced. Those manufacturers why favor the bill represent a very insignificant proportion of the output. The attitude of this inconsiderable minority is naturally and frankly selfish and commercial. They believe that it would be less expensive and troublesome to deal with and perchance control a single Federal censorship commission than to deal with or to control the several State authorities acting under their already ample police powers. The notorious effectiveness of the prepublicity censorship of theatrical productions in England has undoubtedly influenced this minority of the moving-picture manufacturers to believe that a like national prepublicity censorship as provided in this bill will have a similar effect in this country.

In England the evidence produced before a special parliamentary committee which made a very exhaustive investigation and report in 1909 has established the following facts:

(1) Prepublicity censorship "tends to hinder the growth of a great and serious drama" by discouraging distinguished authors whose time is valuable from jeopardizing their time by writing plays which might be destroyed by the whimsical opinion of a censor.

(2) It fails to prevent the production of immoral plays.

(3) It atrophies the exercise of the local police power over local production of immoral plays because they have been licensed by the national censorship authority.

(4) The censorship authority falls under the influence of the large theater interests and tends to exercise its censorial powers with undue consideration for box-office receipts.

(5) The large theater interests favor the continuance of the censorship bureau because it gives questionable productions immunity from prosecution by the local authorities.

(6) The great literary lights of England are almost unanimous against prepublicity censorship.

These considerations led the special parliamentary committee to recommend the abolition of prepublicity censorship in Great Britain.

The great majority of the motion-picture interests oppose this prepublicity censorship bill because it is in their judgment a bill that will tend to stunt the natural development of the usefulness of the moving-picture art and will tend to confine it, as it has the English drama, to the lighter forms of mere amusement when its potential utility lies in the far wider field of information and propaganda. They believe that they are consulting an enlightened selfishness when they seek to keep the moving-picture film from the stunting influence of arbitrary power, for this development of the potential utility of the art means a tremendous increase of business. They also frankly say that they are unwilling to enter into an inevitable political contest for the control of the censorship commission to be established by this bill. They fear the power of the censorship under a rival's influence, because it is a power over their business of life and death. The elaborate productions which are now being presented represent enormous outlays—sometimes more than a half million dollars—before they can be exhibited to the proposed censors. A censorship commission under the influence of a rival could thus absolutely ruin a producer by exercising corruptly or even with unconscious partiality the arbitrary power vested in this commission to condemn the film.

But we regard the balance of interests between those several small producers catering to high-priced houses who believe in censorship because it will relieve them of the necessity of deferring to local standards of decency, on the one hand, and those large producers who want to leave the industry free to develop still greater fields of usefulness, on the other, as of little moment compared with another and very grave phase of this question.

The most serious objection to this bill lies in the power it seeks to give an executive commission to tram-

mel the moving-picture art, the propagandist power of which is already marvelously developed, and the potential power of which seems limitless.

It is in this rapidly developing power and use for propaganda that the moving-picture film has taken its place beside speech and press as a thing to be kept free from arbitrary control in the interest of free institutions. The essence of free speech and of a free press is the power for propaganda as the media of intelligence. It was this power which reactionary authority in the old days sought to repress and which the guardians of free institutions struggled to keep free. In the beginning the attack was made upon free speech and upon free drama before the development of the printing press gave writing and printing also an effective power of propaganda. Before the influence of the press upon public opinion became effective, and before it was recognized as a possible aid to the discussion of political, economic, and social questions, the drama was largely used as a propagandist instrumentality. Down even to the time of Walpole's ministry in England the drama was a very effective means of stirring public opinion, and the early laws providing for the censorship of the drama were political devices to muzzle it as an instrument which might be used against those in power. Walpole, whose government was the most corrupt England ever knew, found his power threatened by a popular play exposing the venality of his political followers and he learned that another play was about to be produced. It was to stop this second play that he caused to be enacted the present censorship law in England. It was effective. All attempts to arouse the people of England to the shame of Walpole's government thru the medium of the theater ceased immediately.

Thus, we see that the original and dominating purpose of the censorship of the drama in England was distinctly political, as was demonstrated by the parliamentary investigation of 1909. But the rapid development

in the art of printing soon so overshadowed the drama in the effectiveness of its propagandist power that the struggle to free the drama from censorship was forgotten in the more important struggle to keep the new power—the power of the press—free. For the moment that place and privilege recognized the power of the product of the printing press to effect public opinion, they began to seek means to control it by the device of prepublicity censorship. The struggle to keep the media of intelligence free from the restraint of arbitrary power was thenceforward waged around the question of free speech and a free press until these institutions won their final victory and became firmly planted in the unwritten constitution of Great Britain and in all our own written instruments. Our Federal Constitution, in Article I of the amendments, says:

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

If we keep in mind the important fact that the vital thing in speech and press which was sought on the one hand to be restrained and trammeled, and on the other hand to be kept free, was the power of propaganda, we shall understand more clearly the importance of bringing the moving-picture film within the constitutional guaranty of a free speech and a free press, because the analogy in principle and necessity is complete. Indeed, the history of the attempt to censor moving-picture films bears a close analogy to the history of the attempt to abridge the freedom of speech and of the press.

In Ohio, for instance, one of the four States which has a censorship board, it appeared in evidence before the committee that a motion-picture play depicting a manufacturer bountiful in charities which advertised himself, but hard on his employes, was suppressed on the ground that it tended to excite class feeling.

In Pennsylvania the power of the censor was invoked to suppress *The Battle Cry of Peace* upon the ground that it tended toward a breach of neutrality and to incite military spirit.

In Massachusetts an organization to ameliorate the conditions of child labor has been exhibiting moving pictures of actual conditions in certain manufacturing plants, and the representatives of these manufacturers attempted to stop these exhibitions. If Massachusetts had had a board of censors, who knows what its action would have been in this case?

In Massachusetts also, moving pictures have been recently used to illustrate the workings of savings bank insurance, an institution very bitterly opposed by the old line insurance companies.

In France the moving-picture films were credited with the tremendous success of the recent French loan, the greatest the world has ever known.

Do we dare to put in the control of an executive board such an extraordinary power—a power to suppress a medium of thought expression which in this country alone speaks to 20,000,000 people every day?

In short, this bill violates the principle of the constitutional guaranty of a free press. It denies to the public the very utility in this wonderful new art which made it so necessary to keep the press free. It gives a few men despotic control over an art which at the very threshold of its development has power to influence more than 20,000,000 people every day. It completes the vicious circle by making it inevitable that the powerful moving-picture industry, already the fourth greatest in the country, will be precipitated into politics and used for political purposes by the party in power.

In our opinion every reasonable protection to the public morals can be secured by the proper exercise of the local police power supplemented by the amendment to the Federal Penal Code already suggested. The extra-

ordinary power vested in the commission proposed to be created by this bill will not only prove ineffective to protect public morals, as experience has shown, but it is utterly unAmerican in its character and in the highest degree dangerous from every point of view.

A RESOLUTION OPPOSING CENSORSHIP OF MOTION PICTURES³

Whereas, the question of legal censorship of motion pictures having been brought to the attention of the delegates, the nature of motion pictures having already been discussed by them, and methods approved which are compatible with American theories of democratic practice, and which look toward the attainment of the best in motion pictures, it is the sense of this Conference that legal censorship of motion pictures is both ineffectual and injurious, and therefore undesirable, for the following reasons:

(1) It is political in its nature and arises from the demand of the organized minority who are desirous of imposing their interpretation of motion picture values in the matters of morals and of good and evil, on the opinion of the vast majority.

(2) It presupposes that the American public are willing to patronize an entertainment which is vicious in its tendencies and likely to corrupt their morals—a state of mind in the individual American picture-goer that this Conference does not believe exists, unless one is ready to admit that the whole nation is already corrupt and decadent.

(3) It seeks to shift personal responsibility and the responsibility of parent toward child to the shoulders of politically appointed public guardians, who are no more likely to have special qualifications for the exercise of such guardianship than the ordinarily intelligent man or

³ Adopted January 16, 1925, by National Better Films Conference, under the auspices of the National Committee For Better Films.

woman; and such shifting of moral responsibility, this Conference believes, makes for slovenly spiritual habits both in the individual and in the nation.

(4) It is a makeshift at best, in nowise securing the end sought (that of improving motion pictures), and tending psychologically to invent the alleged reason for its existence, as well as to perpetuate as an alleged necessity what is in reality a politically paying institution —legal censorship.

(5) It has never taken into consideration the fact that the motion picture is primarily not an entertainment for children, but that at its best it is directed at an adult audience and that it must be recognized and supported as a form of expression for mature minds if it is to fulfill its possibilities both as an art and as an educator; at the same time, in its aim to make all pictures harmless for children, legal censorship has failed to provide alike for any recognition of those pictures suitable to young people and those pictures to adults; again, because of the small fraction of the public who are weakminded or vicious it would distort or mutilate a great popular form of expression which can safely be left to the great majority of virile, wholesome people, young and old, of normal reactions; and in the opinion of this Conference it is spiritually weakening to the healthy majority to attempt to protect them by concealment of those things which are deleterious only to society's sick few.

(6) It has often resulted in the mangling or destruction of that which is essentially wholesome rather than unwholesome, because it has failed consistently to grasp the real causes of psychological reaction to what the eye sees, and has often confused what may be a stimulus to good with what may be a stimulus to bad—in other words, it has failed, and always will fail, since it is whimsical rather than thoughtful and scientific, to apprehend the psychological laws of suggestion.

(7) It has gone on the assumption—largely because the very justification of legal censorship rests on that assumption—that there is continuously running thru motion pictures an element of the vicious, whereas in the opinion of groups who have studied the great proportion of motion pictures over a long period of time, this element can be said to exist but sporadically and can be discovered as in nowise inherent in the medium itself.

(8) It has failed to recognize, and dares not recognize, because it is based on the theory that there are final, unchanging universal standards of good and evil and of good and evil influences, that fundamental in the whole question of the motion picture is a legitimate and inevitable difference of opinion between sections, communities, groups and individuals of equal intelligence and moral integrity; and has sought to define, often with lamentable discrepancy in the actions of different legal censorship boards upon the same given picture, interpretations and opinions to apply arbitrarily to all minds and all tastes—interpretations and opinions that are nothing but the individual pronouncements of the censors themselves, arising out of their own feelings and notions.

(9) It has tended, through fear, on the part of screen writers, artists and creators, of its arbitrary dictums and misconceptions, to pervert rather than to benefit the nature of the motion picture; it has created a state of mind in these individuals that has often resulted in the befuddling and corruption in narration on the screen of what has gone not only unchallenged but approved in literature and on the stage; it has been a powerful aid in the distortion of even the best literature and drama transferred to the screen and in the distortion of life that legitimately has a place on the screen, and should have a place there, if motion pictures are to become an art, albeit a popular one; it has thus been a partner in responsibility for much that is false, shoddy and insincere in motion pictures, and has been a prominent factor

in the discouragement of such authors and artists as are necessary to bring to the motion picture the truth and beauty of great art.

(10) Legal censorship, for the above reasons, may be said to have defeated the very thing that, in the alleged circumstances, it was supposed to do (improve the motion picture); it has destroyed and not remedied; it has won neither the support nor the confidence of the masses nor of the great proportion of thoughtful people; it has been defeated at the polls when the question has been put to the test; it strikes at the common decency of the individual; it spurns the intelligence; it corrupts the imagination; it is a tool to prejudice and to political contrivance; it can never be made different, because the fallacy is inherent in the institution.

With all of the above in mind, it is the sense of this Conference, composed of private disinterested citizens, most of whom have been active in studying the motion picture over a long period of time and in dealing with the social problems it has raised in their several communities, and who at present have at heart the best interests of the several groups and communities they represent, and are engaged in a constructive and unified effort to procure for the motion picture screen all that is wholesome and best and most desirable for the American people, that the foregoing be set forth as evincing this Conference's convictions in the matter; therefore

Be It Resolved, that the members of the Legislature of the State of New York be petitioned to support the Governor of that State in his effort to repeal the existing New York State censorship of motion pictures law; and that this Conference go on record as opposing Federal Bill No. 6821, H. R., known as the Upshaw bill, which seeks to set up a Federal censorship of motion pictures, as being an unwise and reactionary measure, tending to perpetuate in national legislation those undesirable features found in existing State censorship laws,

and as such incompatible alike with American institutions thruout the country to develop the best in motion pictures; and

Be It Further Resolved, that a copy of this resolution be sent to the Governor and the members of the Legislature of the State of New York, and to the members of the House of Represenfatives in the National Congress; and this the Secretary of this Conference is hereby instructed to do.

GOVERNOR McKELVIE'S VETO MESSAGE^{*}

I shall withhold my approval from H. R. No. 113. This is an act which provides for a board of review (censors) whose duty it shall be to determine what motion pictures may be shown in the state.

It is with the sincerest regrets that I feel impelled in this action. I do not like to set my opinion up against that of a majority of the members of the legislature, especially upon a subject that has been so thoroughly considered by it, but I feel so keenly upon the principles here involved and I am so fearful of the violence that will be done to our free institutions by legislation like this that I must waive all question of personal preference and act in accord with my conscientious belief.

There are many reasons why I think this is not good legislation. I might again refer to the danger that lurks in the creation of additional boards and agencies of government, the need for which is doubtful and the burden of taxation for the maintenance of which is ever increasing; or I might point out the fruitful field of dissension and discontent and resentment that is developed in the public mind by this sort of regulatory legislation. But these are of minor importance when compared with the larger theory of free government as it is provided in our fundamental law and as we have always

^{*} Message vetoing the Motion Picture Censorship Bill passed by the Nebraska legislature. April 28, 1921.

cherished it and believed in it. Therefore it is upon this point that I shall dwell.

Section 5, Article 1, of our state constitution, provides that "every person may freely speak, write and publish on all subjects, being responsible for the abuses of that liberty." This is a guaranty of free action that has always been cherished by us and no one who believes in American principles of government can for a moment tolerate its abridgment. That H. R. No. 113 does promise to abridge this right is very apparent to me, as I believe also it must be to the people of the state.

It is no reflection upon any of the agencies that influence public opinion when I say that there is no criticism to be made against motion pictures in the things that they portray that might not also be made of the legitimate stage, the most popular books of fiction or the press. Indeed, the very great majority of pictures are simply the portrayal upon the screen of stories that have already been told in the press or acted upon the stage. Moreover, every item mentioned in this bill as unworthy of portrayal upon the screen is admitted without censorship or criticism to be published otherwise. Murder, manslaughter, homicide, burglary, offenses against women, fraud, embezzlement, marital infidelity, divorce, and every other crime is told and retold with all of the appending details in the columns of the daily press, but I venture the assertion that it would be a very small minority of our people who favor the censorship of this character of news. Certainly, then, you must agree with me that to be consistent it will naturally follow that censorship of motion pictures must ultimately be followed by censorship of the press.

The remedy for the evils that attend the showing of pictures that might properly be considered as subject for censorship is clearly pointed out in the paragraph of the constitution that I have already quoted wherein it says that every person shall be held responsible for the abuses of the liberty of free speech and the press.

This means that offenses against the proper exercises of this liberty may be legally defined and punishment may be inflicted for violation of the law. Already we have such provisions upon the statute books and they are enforced. To go further than this and anticipate the violation is to approve conviction before the offense has been committed.

Such a procedure would be intolerable under our theory of government. It would simply mean that the state would become the guardian of the individual, directing him in his every act and depriving him of his right of initiative and personal opinions.

But there is yet a finer and more fundamental remedy for these ills than by statutory law. It is the law of personal control, which embraces strength of character, moral rectitude, the belief in an infinite God, temperance of action, tolerance for the rights of others and the precepts of the golden rule. These, after all, are the things that shall forever determine our destiny as individuals, as a people and as a nation, and their evolution will be wrought primarily and fundamentally thru those free institutions which we cherish most—the home, the church, and the school. So profoundly do I believe this to be true that I think the enactment of this law would stand as an indictment of these institutions, an admission that they have failed in their purpose and their importance would be consequently subordinated to the paternalism of the state.

I do not question the justice of the criticism that is made of the influence of some pictures upon the children, but admitting the very worst in this direction, it need not also be admitted that legislation is needed to control the situation. What shall we say of the obligation of parents to their children and the manner in which they must discharge this responsibility if we are to have a nation of independent, self-governing people?

The laws that are made in legislative halls are of only secondary importance to the laws that are formulated

in the home and the same may be said of law enforcement. It is still true that "the hand that rocks the cradle rules the world," and it is equally true that there is no law which will repair the damage that is done when parents fail to exercise proper jurisdiction and control over their children.

There is no more reason to pass laws against the showing of pictures that do not have a strong moral influence than there is to prevent the publication of books and newspapers that carry the same stories as are shown on the screen. The right kind of parents do not permit their children to read indiscriminately. Neither should they permit them to see pictures indiscriminately. The guardianship of the child in these matters is a parental responsibility and to transmit it to the state would be simply to lessen the responsibility and minimize the importance of the home. What we want is not that parents should be encouraged to relax their proper vigil over their children but that they should be called to realize that the state must and will not relieve them of these responsibilities.

I am thoroly convinced that public opinion when it is left free to function untrammeled will control the entire situation. The motion picture business is young and many abuses have crept into it that are repugnant to those who have been most successful in it. These abuses will be gradually removed as the business grows and in the same proportion will be promptly removed that character of productions from the screen. The movement has already begun and I predict that before another legislature convenes in Nebraska, it will have made such progress that the question of the censorship will not even be suggested here.

Let us then place the responsibility with the people themselves where it belongs, realizing that if we as a nation are to be strong, virile, self-governing people we must assume the full responsibility of citizenship without expecting the state to relieve us of the ills that are

self-imposed and that are within our range to control, without the aid or direction of statutory law.

MOTION PICTURES AND THEIR CENSORS⁴

The importance of motion pictures is measured by the imperative necessity of entertainment for the people.

Accepted almost as a habit, motion pictures have become the chief amusement of the great majority and the sole amusement of millions.

They are the very democracy of entertainment, and, as such, have been taken into the hearts of the people the world over.

We do not make any mistake about the importance of amusement. The demand for entertainment and recreation is as old as man. It is natural, it is right, and to combat it is to oppose nature.

Far beyond any consideration of the physical and commercial importance of motion pictures, great as this may be, is their influence upon the ideas and ideals, the customs and conduct, the habits and thoughts of those who see them. Few things in the fabric of our life exert the same influence as the screen.

The motion-picture industry recognizes this influence. It recognizes the rights of the millions in its audiences and holds itself accountable to those millions. There is a very definite obligation on the producers of pictures, and a genuine desire among them as well, to learn what the people want in the way of entertainment and then to discharge their duty by providing that entertainment.

The opportunity in this regard, of course, measures the motion-picture industry's responsibility. It is the industry's purpose to meet the situation in an intelligent way and to direct its product always to higher levels.

If this is to be done, the integrity of motion pictures must be protected just as the integrity of our churches is protected. The quality of pictures must be developed just as the quality of our schools is developed.

⁴ By Will H. Hays, President Motion Picture Producers and Distributors of America. *Review of Reviews*. 75:393-8. April 1927.

It is fully as necessary to protect this great agency from undue political aggression as to guard against misuse from within. There must be the same guaranty of freedom for artistic and inspirational development as has been accorded other methods of expression.

Motion pictures are not dead things, to be regulated like commodities such as freight and food. They are not wares, to be monopolized and traded in by tickets and statutes, or marked like iron and soap. They contain a potency of life in them to be as active as the soul whose progeny they are. It is unjust to compare the demand for censorship power to governmental regulation in the distribution of foodstuffs, on the deleterious substances of which no two minds differ after science has given its verdict.

CENSOR'S SIEVE FOR STRAINING THOUGHTS

Motion pictures are more than foodstuffs. They are more than a few thousand feet of celluloid film on which a series of photographs have been recorded. They are evidences of human thought; and human thought, on which all progress depends, cannot be tampered with safely.

History shows that when we attempt it we come to bigotry and fanaticism; to racial and religious and class prejudices; to hatred and tyrannies. As John Milton in *Areopagitica*, that great plea for freedom of expression, told the lords and ministers of England: "Liberty is the nurse of all wits. It has enfranchised, enlarged, and lifted up our apprehensions, by degrees, above themselves."

To release the product of one's brain only after it has been strained through the sieve of a censor and has received his imprimatur is a discouragement and an affront to conscientious men.

The founders of our republic recognized this when they guaranteed to all men freedom of speech, freedom of assemblage, and freedom of conscience. Had the

motion picture been known when the Constitution was written, there is not the slightest doubt that it, too, would have been accorded those inalienable rights which Americans jealously safeguard, for motion pictures are but visualized speech and thought. The whole matter is so important that perhaps provision in the federal Constitution itself might be wise to protect the integrity of the people's favorite amusement against unfair aggression and consequent attrition.

THE REGULATING PASSION OF A MINORITY

The tendency to censor motion pictures, books, all forms of expression, is a mark of the times. The passion, on the part of a small minority, for regulating and directing other people to their will, has become almost a national pastime. As some one said not long ago, a modern Cervantes with a modern Don Quixote is needed to bring us to our senses.

The motion-picture industry's own not unnatural irresponsibility during its formative years contributed to the agitation. More recently the real and personal interest in motion pictures as a means of entertainment, education, and inspiration has made the "movies" so much a part of our every-day equipment that we have appropriated to ourselves the right of criticism of that which belongs to us and that which we habitually use. Changing conditions, with an influx of new ideas and standards, the breaking-down of conventions in other relations of life, reaction from the laxity incident to such a world upheaval as this generation has known, submission to governmental orders in stress of war which led to ready acceptance of "Thou shalt not!" all added to the prevailing tendency.

SOME EXAMPLES OF FILM CENSORSHIP

With these causes contributing, political invasion assumed its most threatening aspects shortly after the term-

ination of the war. Soon it became apparent that continued aggression would ultimately mean that there could be no physical distribution of motion pictures in America. The industry, hampered by conflicting laws and restrictions, with no set standards, would have been forced to go out of business.

There was little or no uniformity among the various laws, and in several instances no effort was made to set standards. The result was that there were no guiding principles for the picture producers, and the fact that a scene was passed nineteen times did not assure its passage when submitted for the twentieth reviewing. The rules set up in one State often differ radically from those accepted in another. In several States, for example, it is regarded as unlawful to show a woman smoking a cigarette, a clause which might eliminate any scene of a social gathering happening in another State.

Then, too, censors have their own prejudices, their own likes and dislikes, which are not necessarily the likes and dislikes and prejudices which govern their neighbors.

One censor board had a lawyer among its members, and the lawyer objected to the showing of any picture in which an unethical or "crooked" lawyer appeared. An inland State prohibited the display of girls in bathing suits; while a seacoast State, boasting one of the finest beaches in America, saw no impropriety in such scenes.

Scenes of strike riots were ordered eliminated from news reels in one State at the same time its newspapers were using photographs of the exact incidents recorded in the films. Another board, upset by the appearance in a picture of an employer who did not use safety devices to protect his employes, ordered insertion of a title reading: "*Henry Jones, a type of employer now happily extinct, who does not believe in safety devices.*"

Another board ordered the elimination of all but two five-foot, full-length scenes of a Charleston dancer, while the theater in which the picture was shown was exhibiting all the Charleston dancers it chose.

How far personal opinion may govern a censor board's action is revealed in the following order issued in connection with a recent comedy: "This subtitle is to be inserted immediately after this department's leader of approval: 'There are no legal reasons for rejecting this picture. However, I am unalterably opposed to making a comedy of serious, important, historical events.' "

WHERE STATE CENSORSHIP PREVAILS

Seven States had passed laws providing for the censorship of motion pictures prior to 1921: Pennsylvania, Ohio, Florida, New York, Kansas, Maryland, and Virginia.

After 1921 there began a reaction against censorship based upon the proved ability of the motion-picture industry to govern itself and the added knowledge that the people were unalterably opposed to needless restrictions. Two of the seven States, Kansas and New York, have recently repealed that part of the law affecting news reels and educational subjects. In thirteen States which considered censorship laws in 1923, the measures were in every case promptly and overwhelmingly defeated by public opinion.

The reason is that the public, having its attention called to the matter, realizes that censorship is the wrong method of protecting the people from real or fancied danger. Censorship has proved to be quite as ineffective in operation as it was unnecessary in actuality.

For instance, the city of Chicago passed a city ordinance twelve years ago providing for censorship of motion pictures. For twelve years Chicago censors have eliminated from the cinema references to crime, hold-ups, carrying of firearms, bootleggers, etc. And does any one venture to say that Chicago has become a more model city because of these prohibitions than its sister cities where such censoring practice has not obtained?

THE PEOPLE THEMSELVES ARE OPPOSED

Through all the discussion, the people of America have always flatly opposed censorship and needless restrictions as inimical to free institutions. The wisdom of Abraham Lincoln—"Throw the people on their own resources and then this Republic, the last possible hope of earth, will never perish out of the world"—has been and still is the wisdom of America. The people are fundamentally and unalterably opposed to censorship in any form. Their history has been inevitably linked with that of freedom. It was to escape the religious censorship of James I that the Pilgrim Fathers came to this country. It was the demand for liberty or death which gave us political freedom one hundred fifty years later.

The only time the people themselves have had an opportunity to express an opinion on censorship of motion pictures they voiced a thunderous "No!" The legislature of Massachusetts passed a censorship law. Governor Coolidge vetoed it. A later legislature was induced to pass it. By petition, censorship became a referendum matter. On November 7, 1922, the voters of Massachusetts went to the polls to say whether films should be censored or not. The citizens defeated the measure, 553,173 to 208,252—a majority of 344,921 against censorship.

That motion-picture entertainment is wholesome is proved by the fact that its success has been built upon family patronage. Fathers, mothers, children attend the motion-picture theater together. It has become their gathering place, allowing the family, as a whole, its first indoor recreation together. And this is tremendously important at a time when we hear so much about the disintegration of the American home.

The American people who make up our audiences—the families of America—are sound and wholesome at heart. They want wholesome entertainment in accord with the wholesomeness of their lives. But they do not

want censors to say what shall and shall not be shown to them on the screen. They are fully aware that the world's progress in arts, letters, sciences, and in every other human activity, has been due to educational efforts which broaden knowledge and understanding, and that as finer instincts appear evil influences tend to disappear.

RESPONSIBILITY OF PRODUCERS

The solution, then, has to be something else than censorship, not only because censorship is wrong in principle and we therefore should not compromise with it, but because of the mechanics of the matter. With added regulations and restrictions, distribution of films would be a physical impossibility and the motion-picture industry would have to cease operation. This would create a serious situation, and the entertainment-loving people of this country will not lightly submit to deprivation of their favorite amusement.

Mistakes have been made in motion pictures, admittedly, but no producer deliberately makes a bad picture. He wants his product to please the majority, obviously. No one reasonably expects every stone in a building to be of the same exact measurement, but perfection consists in this: that out of many moderate varieties and dissimilarities, that are not vastly disproportionate ones, the graceful symmetry that commends the whole structure is achieved. Motion pictures are moving in the right direction toward that symmetry; and the direction, not the length of the step, is the important consideration in any undertaking. This we all know.

The liberty that is asked for motion-picture producers is not license in any sense. Freedom for artists, thinkers, scientists, means growth not retrogradation. Obscenity disseminated in whatever form is not countenanced for one minute. But obscenity is already a crime and the statute books of this country fix penalties for violation of public decency.

What America asks is that picture producers be given the right to exercise their moral responsibilities, and not made to send the product of their thought before a jury before it is born into the world, nor made to undergo judgment in the darkness of prejudice. The people do not wish to have their amusement branded with a censor stamp as bail and security for its wholesomeness.

The sense of responsibility on the part of producers which censorship would remove, is the surest guaranty of progress and right conduct. Newspapers exercise their sense of responsibility. Your daily paper prints the news every day. It does so with full freedom. No censor is on hand to look over the shoulder of the editor at his work, to say what shall and shall not be printed. No one says to him what news shall be delivered to the home or sold on the streets. But if the newspaper abuses its privileges and prints treasonable or libelous matter, laws are ready and available for the editor's punishment. The people have said to the newspaper: "We trust you. If you abuse our trust, we will punish you." That is the sort of freedom the motion picture must have. Freedom, with strict accountability for the proper use of that freedom, is its prerogative.

PROPER LAWS MAKE CENSORSHIP UNNECESSARY

Punitive statutes already enacted, both federal and State, make infraction of the law governing obscenity a misdemeanor. These laws are strong enough to put into jail any man who dares to flaunt in the faces of the American public any exhibition tending to lower the morals of the people. Under them every citizen is given the right to go before a magistrate and make a complaint if there should be a violation of the law, and things thus reported are dealt with by the police authorities. Those laws have been and are sufficient to meet any situation which has arisen.

Seven years ago the motion-picture industry itself asked the introduction into Congress of an amendment to Section 245 of the United States Criminal Code, including motion pictures with books, pamphlets, etc., in the law prohibiting the transportation in interstate commerce of any offensive matter. The law was passed and is still operative.

Section 140-A of the New York State law is typical of the legislation which has been adopted in every State on this subject. It reads:

Any person who as owner, manager, director, or agent, or in any other capacity prepares, advertises, gives, presents or participates in any obscene, indecent, immoral, or impure drama, play, exhibition, show, or entertainment, which would tend to the corruption of the morals of youth or others, and every person aiding and abetting such act, and every owner or lessee or manager of any garden, building, room, place, or structure who leases or lets the same or permits the same to be used for the purpose of any such drama, play, exhibition, show, or entertainment, knowingly, or who assents to the use of the same for any such purpose, shall be guilty of a misdemeanor.

There is no difference of opinion among decent people as to what is right and what is wrong, basically, in motion pictures or in anything else. All the world over, men's minds are very much alike. If a producer of a motion picture or of a stage play, or the publisher of a book, offends public decency, his punishment may be swift and certain under the laws of the land. But his punishment is meted out the same as to the man who commits other crimes—by due process of law.

If the time comes when we cannot safely govern America by law and must depend upon dictatorial direction from a few professional regulators who have never given consideration to the surer methods of religious and cultural education, to the training of individual taste, to the discipline of the mind and the development of moral conceptions, which curb unclean products because they make such products unprofitable, then will America be in a bad way indeed, and then will conscience hide its head in shame.

Inventors of this and that and the other implement for altering human life completely—fortunately an infinitesimal minority—sometimes ask for more than law. They would set up machineries to revolutionize the world. They are broadcasters of what H. G. Wells aptly calls “general vacant phrases.” America is wise to beware of them; give them an inch and they take an ell and sometimes all.

CHILDREN AS A FACTOR

There is some discussion as to the effect of motion pictures on children. That is well. Such discussion is proper, for there is no subject-matter as important as child welfare, and we yield to none in appreciation of that importance. We approach this whole matter not only from the standpoint of those who have millions of dollars invested in the business, but also from the viewpoint of fathers and mothers who have millions of children invested in the business.

No one could reasonably demand, nor would it be tolerated, that all motion pictures be constructed to fit the psychology of the child. The general run of pictures is not now, and never will be, intended especially for children. There are, however, certain standards of common decency that do not apply to age and they shall be established and maintained.

The patently absurd statement is made that 75 per cent of our motion-picture audiences are made up of children. As a matter of fact, only 8 per cent are children. Impartial surveys made by disinterested organizations show that in the Manhattan theater district of New York City, for instance, the proportion of children in the audiences is by actual count as low as 3.4 per cent and in the residential, urban districts it is 8 per cent.

We have encouraged and promoted special Saturday morning performances for children, and wherever the interest of parents and guardians and civic-minded

people supported them, they have been highly successful. Only where there has been a lack of parental interest has there been failure.

Can any one truthfully say that there is more crime, more juvenile delinquency in a State where there is no censorship law than in one where such a law prevails?

The fault with such argument, basically, is that it comes largely from false teaching and a misconception of the value of things. I have always thought that children should not be taught not to be bad but taught to be good; that artificial restraint should be thrown off and that children should be taught the inner restraints so as to be fortified within themselves against evil; that they should shun the bad not thru fear of punishment or hope of reward, but because right is right. Development of character, not censorship, is needed. The natural restraints of home, of love, of companionship, of church and of school are the safe, sane methods. "The child must be prepared for the path, and not the path for the child."

We come, therefore, to the conviction that there is a definite parental responsibility in this situation in so far as children are concerned. This responsibility cannot and should not be shifted to the exhibitors and producers of pictures, nor to the State. To shift the responsibility is definitely to shirk our own duty. Parents cannot look upon the rearing of a family simply as a biological performance. They must see it as a moral responsibility.

Happily, the boys and girls of today are morally equal or better than those of the generation preceding. They are better physically and more alert mentally than we were at their age. They are intuitively fine at heart and instinctively they are selfrespecting. We older people are too apt to have a beam in our own eye when we are removing the mote from the eye of our child. We are too prone to cast halos about our own youth and to be intolerant.

CENSORSHIP FROM WITHIN

The motion-picture industry is self-regulated and law-abiding. Twenty-three of the more important producing and distributing organizations, producing 85 per cent of all feature pictures made in this country, are associated together for the purpose of bringing production to its highest possible moral and artistic level. The industry has so organized its production that the steady stream of good pictures is meeting with the approval of the great majority of people the world over. The product compares favorably with the best that is being produced in literature, the spoken drama, music, or painting.

At the same time, literally hundreds of books and plays dealing with subjects which are broadly handled in the so-called realistic literature and drama of the day, are failing to reach the screen thru the exercise of sound judgment on the part of picture producers. Whether a great many of these books and plays are literature or not, the motion-picture industry has no right to say. But for obvious reasons of business as well as those of morals, these stories are not being utilized upon the screen and they will not be. Millions of clean-living, wholesome men and women who make up the backbone of this country, and who are our principle patrons, do not want entertainment of that sort.

When a book or a play which in the minds of the picture company to which it is submitted has objectionable or doubtful subject-matter, that fact is reported to our Association. If the same opinion prevails, then all the members in the Association avoid a mistake.

This is far more effective than censorship could ever be. It is the sane self-regulation which operates in the one and only place where all possible wrong can be kept out of pictures and all the good advantages retained, and that place is *the studio where the pictures are made, at the time they are made, and by the men who make them.*

WHERE THE PUBLIC CAN HELP

The one unfailing way to make sure of a continuing supply of vital and wholesome pictures is by patronage of the good pictures already in existence. By patronizing them is meant going to see them, paying admission at the box office and thus making them financially successful. The motion picture is a commercial enterprise, after all, and it cannot endure and progress without proper returns upon the investment of thousands of stockholders. There is just as definite a duty on the public's part to organize the demand for good pictures as there is a duty on the producer's part to supply good pictures.

It is a sad fact that the public has not always recognized this duty, and some of the most splendid and artistic motion pictures have failed of commercial success because of the lack of patronage by the very type of men and women who constantly call for better pictures. I remember one disheartening instance in particular. A theater in a splendid city, in the very valley of Democracy, brought a superb picture to town one week and by so doing lost \$3,300. The next week, the same theater made a profit of \$3,500 on a picture dealing with the exploits of a flapper.

The *Life of Abraham Lincoln* would have died a-borning if the organized forces of America had not been rallied to its cause. There is real reason for pride in consideration of that victory for a fine picture. And it is only one of many such examples I could give of the earnest, highly efficient, and effective work being done by the organized and interested people of America in cooperation with our Association.

AN INDUSTRY MOVING IN THE RIGHT DIRECTION

Motion pictures today are more than an instrumentality for recreation. They are being made available to the classroom, the church, and the doctor's clinic. They

are teaching immigrants to be good Americans. They are entertaining and giving happiness to hundreds of thousands of helplessly shut-in men and women and children in the hospitals, orphanages, prisons, and homes for the aged. Even the lonely leper in the Pacific is not deprived of his share in the world's fun on the screen. The other day a letter came to me signed by a group of children in Alaska telling me that they had traveled fifty miles to see pictures we had sent them. "We had always heard of West Point cadets," the letter read, "but this was our first opportunity to see our future national defenders." Harvard and Columbia are planning courses of instruction in this new art and industry.

Provincialism is being wiped out and the world brought into closer contact with increased knowledge and understanding. I do not think I am too visionary when I say that the motion picture is the greatest agency yet given to man to bring about more cordial relations between nations. When we know each other we do not hate; when we do not hate we do not wage wars.

As far as the motion-picture industry is concerned, the whole matter of political censorship is a mere incident. The industry's business is to make better pictures all the time. Like other Americans, we see censorship as un-American, unnecessary, and ineffective. The people do not want it, they never have wanted it, and they never will want it. The industry is concerned with supplying the people—the vast majority of people—with the happiness and inspiration that lie in good entertainment. That is the job we are filling. Frequently we make mistakes, no doubt. But the trend is upward, the aims and the purposes are high.

While we are engaged in filling our job, the American people will take care of the whole matter of censorship, by aiding the industry in its continuing efforts to give the best and most wholesome recreation available, by patronizing the good pictures, and by exercising its right to choose the wheat from the chaff.

STATE CENSORSHIP OF MOTION PICTURES⁵

AN INVASION OF CONSTITUTION RIGHTS

The constitution of the United States and those of the several states guarantee freedom of speech and the press. Motion pictures have arisen since the framing of the constitution, but they are obviously a means whereby opinion is expressed, and as such are entitled to the same right of liberty as is accorded speech and press.⁶

On this ground many state legislatures have repeatedly killed censorship legislation. In New York City, Mayor Gaynor vetoed an ordinance providing for censorship in 1912, and a second attempt was frustrated in 1919, the official report against it concluding:

Your committee is opposed to the creation of a censorship because it regards the remedy suggested as far more inimical to our institutions than the evil sought to be corrected thereby.

A DEFIANCE OF DEMOCRATIC PRINCIPLES

Legalized state censorship empowers a small group, usually three persons, politically appointed and of inferior ability, to decide what all the people of the state may see on the screen. It takes away from local authorities who are elected by the people power to regulate the pictures shown in their own communities.

CENSORS CANNOT AGREE

Only four states have boards of censorship, and these continually contradict one another in their decisions. If every state had censorship, there would be forty-eight

⁵ A pamphlet issued by the National Board of Review of Motion Pictures. March 1921.

⁶ Of course this statement is not true. Six years before this pamphlet was published the United States Supreme Court held in three unanimous decisions that state censorship of motion pictures is not an invasion of constitutional rights. (236 U.S. 230) Neither does the Federal constitution "guarantee freedom of speech and of the press." The first amendment merely limits the powers of Congress, and not those of the states.

independent, conflicting, arbitrary standards to which motion pictures must conform. It is inconceivable that this could make for better pictures.

NO POPULAR DEMAND FOR CENSORSHIP

There is no popular demand for state censorship. The average American family attend the show once a week and enjoy it. Censorship agitation is artificially stirred up by well-meaning but insufficiently informed reformers, who wish to impose their own standards of taste upon everybody else. It is encouraged by certain political elements who covet the patronage and the power over channels of public information which it would give them.

UNJUST DISCRIMINATION

Compared with other forms of dramatic entertainment, the motion picture is the least objectionable of all on the score of morals. To single it out for censorship, therefore, is on the face of it indefensibly unjust and stupid.

CENSORSHIP NO SOLUTION OF THE CHILD PROBLEM

The chief reason advanced for state censorship is that ordinary shows are unfit for children to attend.

In the first place, no censorship can banish melodrama from the screen, or expurgate it into a commendable entertainment for children.

In the second place, nobody has any business to try to do this. The motion picture is the chief amusement of the adult public, and any attempt to standardize it as a child's entertainment is as intolerable as it is impossible.

The only solution of the child problem is to provide children with special programs.

CONFUSION OF TASTE WITH MORALS

Most clamor for censorship makes no distinction between bad taste and bad morals. It is chiefly concerned with the former, quite oblivious of the fact that standards of taste are irreconcilable. What is good taste to one is bad taste to another.

PUBLIC OPINION THE ONLY EFFECTUAL CENSOR

Awakened public opinion is the only effectual guarantee of safety and decency. Responsibility for public morals should therefore be put squarely up to the community and its constituted authorities. Any scheme which takes responsibility and authority away from the community and vests them in a distant and small committee is plainly dangerous and vicious, particularly if such a board is clothed with arbitrary authority and is not directly responsible to the people.

The standards of the local theatre audience differ from the average standards of a whole state. The legal censors would have us believe that state censorship is based on the state average of opinion. But there is no state average which legal censors may voice in their decisions. The opinions of the people of an entire state are composed of a conglomerate mixture of opinions and standards which no one board can possibly combine so as to give it a real gauge of public opinion. For instance:

The mayor of one of the leading cities of Ohio recently said that the Ohio Board of Censors were allowing in his city pictures which the citizens would not permit, had the power of regulation not been taken from them and vested in the state board.

In another great city of Ohio, a federation of churches and other organizations are at work enforcing higher standards than those endorsed by the state censors. Since the managers have a legal right to exhibit

pictures passed by the state board, the federation must depend upon the good will and cooperation of these men.

If, then, the public and the managers in one of the largest cities of the country voluntarily agree that their standards are different from those of the state board of censors, what is the use of the board? Its claim that its decisions represent state sentiment is contrary to fact.

Such a board, then, is clearly a drag upon public opinion and the motion picture producers in any attempt to further the development of the artistic picture. It is an authority to be invoked by the unthinking or the prejudiced or those with special axes to grind who see in the motion picture an enemy to their own particular point of view or their own interests. It is an engine to frustrate the will of the people, to interfere with the only healthy and efficient regulation of public morals.

CENSORSHIP OF NEWS AND EDUCATIONAL FILMS

All news and educational films are passed upon by the state boards of censorship in the four states where they are in operation. The most telling count against the censors is that they have deliberately suppressed news or altered its import by cutting out portions. In one instance, the statement of a Presidential candidate was cut; in another, sections of a news picture which showed banners inscribed with sentiments adverse to another presidential candidate were deleted. But the most notorious instance is perhaps the cutting out by the Pennsylvania censors of pictures and captions dealing with the coal strike. Public opinion would not tolerate such interference with the printed news, and when it is aware of what legalized censorship of news on the screen is doing, it will not countenance that.

But the state censors have not stopped at the news films. Scientific and educational films photographed by

experts in their respective subjects have been ruthlessly mangled in order to make educational pictures conform to rules formulated for amusement films! Could there be a worse system than one which places ignorance in a position to cut and alter the findings of scientific research?

The fastening of this designing, ignorant, irresponsible tyranny upon our free institutions would be a public calamity such as we have not seen since our nation was founded upon the principle that enlightenment, liberty and personal responsibility are the foundations of order and progress.

NATIONAL BOARD AND FREEDOM OF THE SCREEN

Fundamental in the theory of the National Board of Review is the recognition of the screen's right to freedom.

The conviction that there can be no complete convergence of opinion as to what is precisely moral and what is precisely immoral, or as to where questions of taste and morals overlap, is basic in its conception of motion picture regulations.

The National Board believes that Public Opinion, which is the compound of all tastes and all ideas of morals, is the only competent judge of the screen.

But Public Opinion cannot regulate if there is no freedom of the screen to allow it to decide for itself what shall and shall not be presented to it.

NATIONAL BOARD AND QUESTION OF DIFFERING OPINIONS

The National Board holds that the very tendency to differ in opinions is the safest guard against arbitrary, self-assured and narrow censorship of the motion pictures.

Through all its members it tries to determine and reflect the thought of the people at large.

It encourages the expression of as many opinions as possible on the pictures passing under its review. The majority opinion rules.

WHAT THE MAJORITY OPINION REPRESENTS

This majority opinion, born of differences of opinion, very nearly represents the prevailing consensus of the wide, diverging, shifting, continually advancing host of viewpoints which make up Public Opinion.

For the membership of the National Board, comprising upwards of two hundred persons, itself is representative of that broad commingling of points of view. These members of its reviewing committees are drawn from many different walks of life, environments, professions and interests.

THE BLUE PENCIL PRINCIPLE

Every newspaper, before it goes to press, is submitted to the blue pencil, in order that nothing contravening the public good and the welfare of the publication shall appear. The blue pencil is exercised with as nearly precise knowledge of the public state of mind as the editor is able to obtain. He derives his knowledge through many avenues of approach to the public mind.

Thus the blue pencil, properly used, is the instrument of Public Opinion. It is wielded with common consent.

The majority opinion of the members of the National Board on given pictures, since it approximates public opinion, is the blue pencil used for the public good and the screen's welfare.

Under this system, the screen, like the press, is made responsible to the people at large. If its editing is unsatisfactory, it will hear from the public, and its standards may be readjusted.

This is the antithesis of a censorship imposed by a political power upon both screen and public, which makes

no concession to general opinion, which admits of making no mistake, which establishes political control over the public news service.

Every good American should oppose State censorship of the screen.

CENSORSHIP NOT NEEDED⁷

Saving society from itself has always been a favorite purpose with super-minded theorists. It seems to us that society would appreciate salvation more if permitted to win it with less assistance.

Ohio has had a legalized movie censorship since 1913. The Johnson bill, now before a Senate committee, proposes to extend the censorship to cover talking pictures. There is objection to the proposal. The *Plain Dealer* supports the objection.

In the infancy of the movie some kind of censorship may have been necessary; we do not know as to that. The industry was not well organized; the public responsibility of its leaders had not yet taken form. There was fear that, unless government stepped in as a defender of morals, morals would be undermined. It was felt by many that a dictatorship was necessary; the people could not be trusted to reject the unfit and to discipline those responsible for them.

So censorship came. Ohio was among the first states to establish a legalized censor board. The movie has undergone revolutionary changes in these fifteen years—changes almost wholly for the better—but the urge to save us against ourselves shows no diminution. The silent drama finds its voice; and the Johnson bill is after it with a club.

The general idea of censorship is abhorrent to one schooled in the democratic belief that an intelligent community needs no political overlord to protect its morals.

⁷ Editorial. *Cleveland Plain Dealer*. February 14, 1929.

Without censorship there are ample legal means to stop at once any improper film, silent or talking. The police have authority, often exercised, to drop the curtain on salacious drama.

If government may say what films must not be shown, it may assume authority over the books we read, the clothes we wear, the vegetables permitted on our dinner tables. The federal Constitution declares against "abridging the freedom of speech or the press." It is the protest of the nation's fathers against meddling moralists—a protest worth recalling against the Johnson bill at Columbus.

The movie industry, by and large, is controlled by men responsive to the obligation of decency. They have their own machinery devised to keep improper films away from the public, and in general it works satisfactorily. Rather than extending the censorship to cover the talking film, as proposed, we believe in holding the industry to strict accountability for its product; and in punishing without mercy any who violate the decencies.

We see no soundness in the proposal to delegate to some politically appointed board or official the right to say what we shall be permitted to see in the films. The finest judgment in the world is not exempt from error. Recent excisions by the Ohio censoring authority, cited in the discussion at Columbus, are proof enough of the fallibility of those who sit in judgment on other people's morals.

The Johnson bill should be defeated as proposing an unnecessary interference with freedom and an unjustified violation of the spirit of American institutions. There is law enough. The movie, voiceless or vocal, has become a great agency for popular education. It needs no autocratic blue pencil, wielded by political hands, to make it safe.

The absence of legal restraint, however, must not be taken by movie producers or operators as in any sense

a license to go the limit in what they offer the public. The industry must be made to recognize its own responsibility. Unless it does, in the long run there can be no escape from the most rigorous and destructive censorship.

BRIEF EXCERPTS

The censors are largely to blame.—*Brenda Ueland. Liberty.* 2:10. March 20, 1926.

The American public is the real censor for the motion picture, just as it is for the press and the pulpit.—*Will H. Hays. Review of Reviews.* 67:74. January 1923.

Legalized censorship is unintelligent, arbitrary, and capricious, without settled standards.—*Stewart E. White. Sunset Magazine.* 49:40. January 1922.

A censorship has never yet proven satisfactory, no matter where it was tried. There is ample power to suppress lewd or obscene films without a special censor.—*Sunset.* 37:31. July 1916.

The remedy against improper movies is not to be found in a censorship, but in the education of the public to take a stand against such movies.—*Judge George W. Martin. New York Times.* January 18, 1925. p. 3.

To see the modern movie one would never think that there was a censorship in the State of New York.—*Judge Franklin Taylor. New York Times.* January 18, 1925. p. 3.

Less than 10 per cent of the population of the United States live under censorship [of moving pictures] today.—*Clarence Darrow. City Club Bulletin. Chicago.* 11:187. June 3, 1918.

The increase in juvenile delinquency can hardly be charged to moving pictures. It is due to the war.—*Clarence Darrow. City Club Bulletin. Chicago.* 11:191. June 3, 1918.

Exhibitors and producers are alive to the fact that the public are demanding cleaner, less sordid means of entertainment.—*Lester G. Burnett. Transactions of the Commonwealth Club of California.* 16:211. August 1921.

It is interesting that it is the so-called "Hick" states—the states of the south and west and northwest—that do not have censor boards and will not have them.—*Brenda Ueland. Liberty.* 2:7. March 20, 1926.

We [New York state] have a censorship [of moving pictures], but the type of pictures allowed to be exhibited would indicate that the remedy does not lie in censorship.—*Judge Alonzo G. McLaughlin. New York Times.* January 18, 1925. p. 3.

It is an anomaly in a free country to guarantee freedom to speak, to publish, or to put anything upon the stage and to single out the moving pictures as subject for censorship.—*Clarence Darrow. City Club Bulletin.* 11:188. June 3, 1918.

As a matter of fact it is pretty hard to see just how *Macbeth* could possibly come to the screen in Pennsylvania. It might be banned on any one of several counts.—*Heywood Broun. Collier's Weekly.* 67:14. May 14, 1921.

Censorship costs more in surrendered intellectual freedom than it can possibly save in any theoretic check upon "temptation"—and, meantime, it may actually whet an interest in the very evils it struggles to suppress.—*Charles Merz. New Republic.* 33:179. January 10, 1923.

Censorship of the moving pictures has failed in two essential respects. The pictures continue to make vice attractive, and to encourage the young to think that immorality is so universal as not to excite criticism.—*Bishop Stires. Churchman.* 141:9. March 1, 1930.

It isn't nice to spend \$150,000 on a production, and then have some fellow, who is absolutely unqualified to judge, say whether the thing is moral or immoral, for, after all, immorality is largely a question of geography.—*Peter B. Kyne. Transactions of the Commonwealth Club of California.* 16:195. August 1921.

There are something like a thousand rules pertaining to censorship now in effect, and additional boards of censorship would merely tend to increase the burden and decrease the possibilities of making entertaining motion pictures.—*H. G. Rosebaum. Transactions of the Commonwealth Club of California.* 16:211. August 1921.

Can motion pictures ever become an art when they are only allowed to show thieves who do not steal, rebels who love the government, and criminals with nothing in their hearts but deep respect for the law?—*William C. de Mille. Scribner's Magazine.* 76:234. September 1924.

Stupid and vulgar as our motion pictures are today, they do not need the censorship of a committee of clerics. When public opinion, expressed at the box offices, convinces producers that shoddy is no longer in demand, they may decide to sell honest goods.—*Editorial. Independent.* 116:408. April 10, 1926.

That the motion pictures wield a greater influence on the minds of children than Sunday Schools was the opinion expressed by Dr. Luther Freeman of Columbus in an address before the annual conference of the Ohio Methodist Episcopal church today.—*Cleveland Plain Dealer.* September 9, 1915.

Individual judgment of motion pictures varies so greatly on account of personal tastes and environment that it is difficult to get even a small group to agree on the probable influence of a picture, to say nothing of making the action of either voluntary or official committees satisfactory to the public at large.—*Charles N. Lathrop. Playground.* 16:363. November 1922.

There ought not to be a censorship. Laws exist already to take care of any spectacle that menaces public morals. Public opinion itself will take care of anything seriously shocking, for no manager can afford to shock seriously the community from which he makes his living. *Katharine F. Gerould. Saturday Evening Post.* 194:12. April 8, 1922.

A magnificent farce could be written on the works and ways of the film censors in the various states, but their antics are important because they illustrate what an irresponsible and dangerous thing censorship is. Accounts of the tricks of these censors read like a burlesque of the worst possibilities of censorship.—*Editorial. Nation.* 117:678. December 12, 1923.

Emphasis should be placed on the encouragement of the good rather than the suppression of the evil. And the motion picture screen should be thot of and talked of not as a troublesome problem but as one of the chief assets of the community for education and betterment.—*Charles N. Lathrop. Review of Reviews.* 67:75. January 1923.

The motion picture is both journalism and drama, already the most popular form of the latter and likely to become of equal importance in the former field. To hamper this art in its infancy by shackles from which the older arts of representation have with difficulty freed themselves is to do untold harm to its future development.—*Independent.* 77:433. March 30, 1914.

Dr. Carleton Simon, former special deputy Police Commissioner of New York in charge of narcotic work, speaking on "crime and the motion picture" at the convention of the International Association of Chiefs of Police, held that the screen was doing a great deal of good and had served to elevate the moral tone of the people.—*New York Times*. June 29, 1928.

One cannot legislate morality into people. Education, boycotting of the bad, encouragement of the fine in all things in life create a standard to which producers of all kinds must conform. Legislation to limit in any way art, education, or religion is never constructive and in the end defeats the very purpose it sets out to achieve.—*Florence P. Kahn. New York Times*. January 29, 1928.

In moving picture headquarters in New York no secret is made of the fact that the industry is only waiting for a favorable opening to launch a general offensive against the institution of censorship wherever it exists and to carry its case before the American people.—*Edwin W. Hullinger. North American Review*. 227:738. June 1929.

To avoid the evil influences sometimes exerted upon children by motion pictures of violence and vice, the best way is to establish special theaters for children or to have programs suited to them provided at certain hours of the day. To prohibit all plays and current events unsuited to children is to condemn the motion picture to perpetual childishness.—*Independent*. 77:433. March 30, 1914.

As a matter of fact no rule of censorship of any sort may be framed so wisely that by and by some circumstance will not arise under which it may be turned to an absurd use. And censors must have rules. No man can continue to make decisions all day long. He

must eventually fall back upon the bulwark of printed instructions.—*Heywood Broun. Collier's Weekly.* 67:25. May 14, 1921.

Tests made in Germany of the psychological effect of American motion pictures have shown that they tend to be positive crime deterrents on account of plots which depict the inevitable punishment for evildoing, Dr. Franz Koelsh, State councilor and industrial physician to the Bavarian Government, told the committee on public health and sanitation of the Fifth Avenue Association.—*New York Times. October 24, 1929.*

Dr. Frederic C. Howe, the first chairman of the National Board of Review, said the Board was constantly pressed to fight the efforts of certain moralistic and evangelical groups that do not like anything related to the theatre and disliked anything that gave pleasure to any one other than themselves. The conflict that exists today, he said, is between the right to be happy in one's own way and that prescribed by law.—*New York Times. January 26, 1929.*

Motion picture censorship, established in a number of states years ago, has been of doubtful value and has in many instances been a positive nuisance. Either prudery or individual prejudices of autocratic censors have at times caused eliminations which were ludicrous but which have been highly annoying to producers and exhibitors. Of course nothing like uniformity has been maintained.—*Editorial. Cleveland Plain Dealer. January 21, 1929.*

Censorship begins at the wrong end of the problem. If we are to have good pictures the real work of making them good begins with the preparation of the scenario and the production of the film. The picture is completed when it comes to the censor. All the censor can do is

to delete objectionable scenes and titles. Nothing he [or they] can do will change the atmosphere of the film, and the atmosphere can easily be the most insidious and harmful thing in a film.—*Chester C. Marshall. Educational Screen.* 2:410. October 1923.

The National Board of Review, formerly the National Board of Censors, believes that the public is the best censor, and that the public alone can and will command production of good pictures. The Board believes that the instinct of people for that which is right is stronger than the instinct for evil things. And that thru freedom a far higher form of art can be produced than by censorship thru a self-appointed few who at heart hate that which they are censoring.—*Frederic C. Howe. New York Times.* January 26, 1929.

The New York Board of Motion Picture Censorship in its report asks the legislature for the power to exclude from presentation films featuring actors or actresses who have been involved in scandals. Thus does a power which should never have been created seek to augment itself. It is bad enough to vest in three persons the power to impose their sense of what is fitting and decent on nine millions. It is a long step beyond that to say that they shall also have the power to decide what artists have lived so proper and conventional a life that their filmed productions may be shown.—*Law Notes.* 28:202. February 1925.

President Coolidge is disposed to leave the censorship of films to States rather than favor the proposed Federal censorship. In his opinion the American films have been of great advantage in bringing our life and customs before the world. The President also thinks they have aided in our trade relations and produced a better understanding among nations. In the last few years, he understands, the character of the films has

been improved and he now hears little complaint about them. This improvement, the President believes, has been brought about to some degree by Will H. Hays.
—*New York Times*. April 21, 1926. p. 1.

It is preposterous to assume that the movie producers are so short-sighted as to flood the country with undesirable productions. The cinematograph has developed into one of America's greatest industries, and whatever laxness may have existed fifteen years ago when censorship was established in Ohio cannot be permitted today by the astute men who are producers and exhibitors. From the vacant store room the movie has advanced to ornate and costly palaces because of its excellence, and the entire movie organization is sufficiently jealous of its repute to obviate the need of moral regulation by politically appointed boards.—*Editorial. Cleveland Plain Dealer*. February 19, 1929.

Our civilization rests on virtues which rise from the home, not on virtues imposed from above by authority. A censorship is at best a negative protection. Boys and girls brot up decently are not made into criminals by looking at a motion picture. We can by censorship eliminate some of the experiments in indecency which are put on the screen, but only a positive public opinion will demand and get good movies or good schools or good newspapers. The censorship idea can be overdone. If we assume that Americans are pallid degenerates who must be protected by authority from every temptation, we can logically proceed to censor everything and destroy self-reliance and character.—*Independent*. 114:114. January 31, 1925.

Under [rule] 15 we find this ruling [by the Pennsylvania Board of Censors of Moving Pictures]: "Views of incendiarism, burning, wrecking, and the destruction of property, which may put like action into the minds

of those of evil instincts, or may degrade the morals of the young, will be disapproved." Curiously enough, thruout all the rules of censorship there runs a continuous train of reasoning that the picture must be adapted to the capacity and mentality of the lowest possible person who could wander into a picture house. The picture-loving public, in the minds of the censors, seems to be honeycombed with potential murderers, incendiaries, and counterfeiters.—*Heywood Broun. Collier's Weekly.* 67:15. May 14, 1921.

Of course one cannot say for certain that the censors are to blame for all that is punk in the movies. It might even be that we American citizens who patronize them cause the making of poor movies by preferring them to good ones. It may be that our taste, the taste of the movie-going public, is so childish that the industry has to make these pictures with some moralizing nonsense in every one of them because that is what we like. But one thing is certain: The moving-picture industry has become so important that it is attracting to itself men and women of first rate intelligence, talent, and scholarship. That it is still influenced by the inferior opinion of the censor is apparent.—*Brenda Ueland. Liberty.* 2:10. March 20, 1926.

In 1917 the speaker came in contact with the Pennsylvania State Board of Censorship. Their attitude was arbitrary and in many instances drastic, and the public are not permitted to see many features, which to the average mind would not be offensive. Scenes are eliminated which sometimes spoil the entire continuity of the story and possibly leave a harmful, erroneous impression on the viewer. It can be compared to the reading of a book, and the elimination of a part dealing with detail, which, if permitted to remain, would prove a moral and a better lasting impression than that sometimes produced. A condition of this kind with every

state having a board of censorship passing on pictures, would make a vast amount of inefficiency and make it practically impossible for the motion picture business to exist.—*H. G. Rosebaum. Transactions of the Commonwealth Club of California.* 16:211. August 1921.

It may be argued that censors, acting even arbitrarily, by condemning for a short period every picture with even a low moral atmosphere would soon compel producers and scenario writers to see to it that their pictures thereafter were above reproach when they at last reached the reviewing studio of the censor. However, if human nature among scenario writers and directors runs true to form, and there is every indication that it does, there will always be the determination to produce pictures just as near the borderland as they dare be and yet escape the wrath of the censor. Censorship puts the cart before the horse. It deals with the finished product and can never effectually revolutionize the spirit and aims that control the inception of the film. Censorship can never enlist the vital cooperation of the motion picture industry.—*Chester C. Marshall. Educational Screen.* 2:411. October 1923.

Will H. Hays said censorship of talking movies was a curtailment of free speech and unAmerican in its conception. "Educators and leaders of thought are realizing what censorship of pictures really is now that censor boards are presuming actually to censor speech," Hays said. "News as heard from the screen, speeches of the greatest public men on the greatest occasions, are all subject to some of the censorship laws, and the great development which is imminent of speaking films for educational purposes is definitely retarded because of the ridiculous possibility of their being cut to pieces by censors." Hays said the motion picture industry had made no great effort to reduce censorship, but had spent its effort rather "to so improve the pictures that no reas-

onable person could claim that there was any need for censorship."—*Cleveland Plain Dealer*. January 14, 1929. p. 1.

Censorship bars immorality, ridicule of religion, political propaganda, and many other things; but there is no censorship of vulgarity. There is no censorship for distorted history, nor for mutilated classics. There is no censorship for ungrammatical titles. Forty million people a week read on the screen "It's me" tho they have been taught in school to say "It is I." How much is the school teaching going to count as against the movie teaching? Forty million people a week see society misrepresented, see the classics rewritten to suit movie standards. How much influence are 4000 libraries going to have as against 20,000 theatres for pictures? If the intelligent public will take the trouble to go to the intelligent pictures and encourage the exhibition of good pictures by the receipts at the box office, there is no end to the good the screen can accomplish.—*Elizabeth Perkins. Springfield Republican*. December 13, 1925.

To the magistrates the cinema seems to be the cause of most of the juvenile crime of the cities; the children learn from the pictures how to commit thefts, and it is thought that they frequently commit these thefts to satisfy their desire for money that they may go to the picture house. That a child sometimes develops a craze for the pictures must be admitted, but that this craze frequently leads to juvenile crime is not at all so certain. A child is much more frequently led to crime by the bad example of some parents or by the almost equally harmful carelessness of others. Then again, a class of about fifty young children, when questioned as to their favorite films by the present writer, were unanimous in declaring for cowboy pictures and for Tom Mix as their favorite star. They did not show any leaning towards the Raffles type of hero, nor love for any phases of the cinema ex-

cept those that showed the things of life which were in keeping with their youthful nature.—*John P. Reardon. Studies.* 18:435. September 1929.

Censorship, as it now [1921] exists, has but small value. There are no standards save the personal opinions of individual censors or of boards of censors. These opinions are often formed in a casual way, without taking into account all of the elements involved in the situation. A large city employs a woman of culture and intelligence to censor the films that appear in its moving picture theaters. A surveyor observed a picture that had passed the censor. It contained a number of points appearing in the questionnaire. One scene showed a banquet in New York. Drunken men and half-nude women were reclining about the table after the fashion of a Roman orgy. A floral swing deposited in the center of the table a man and a woman, both nude save for loin cloths. They danced in a most revolting and obscene fashion. At the end of the picture a moral was tacked on in an obvious way. This moral would seem to have been the censor's only excuse for passing the film.—*Minnie E. Kennedy. The Home and Moving Pictures.* p. 25-6.

I have been taking care of the matter of motion pictures for the [San Francisco] police department for about ten years, and I find that the people have not much to worry about in motion pictures at the present time, that the pictures are getting better all the time. So far as censorship is concerned, the police department is very well able to take care of the bad pictures, that is, lewd and indecent pictures [without censorship]. On the question of presenting pictures of hold-ups and robberies and so forth, we have no ordinance that covers that nature of picture. But I have seen a great many pictures, and have made eliminations in them time and again. So far as condemning pictures as a whole is con-

cerned, it very seldom comes to my notice that I should condemn a picture as a whole. I don't think moving pictures are the worst amusement in the country. I think there are other amusements that are worse. Take our dance halls, different things—you take our cafes, and I think the motion pictures are the best entertainment of all of them.—*P. A. Peshon. Transactions of the Commonwealth Club of California.* 16:208-9. August 1921.

It will not be necessary to put the whole list of rules [of the Pennsylvania State Board of Censors of Moving Pictures] in evidence since there need be no dispute as to the propriety of such rules as prohibit moving pictures about white slavery and the drug traffic. Skipping these we come to No. 5, which is, "Scenes showing the modus operandi of criminals which are suggestive and incite to evil action, such as murder, poisoning, housebreaking, safe robbery, pocket picking, the lighting and throwing of bombs, the use of ether, chloroform, etc., to render men and women unconscious, binding and gagging, will be disapproved." Here I protest that the board has framed this rule upon the seeming assumption that to see murders, robberies, and the rest is to wish at once to emulate the criminals. This theory is in need of proving. A good detective story is the traditional relaxation of all [sic] men high in power in times of stress, but it is not recorded of Roosevelt, Wilson, Secretary of State Hughes, Lloyd George, nor of any of the other noted devotees of criminal literature that he attempted to put into practice any of the things of which he read.—*Heywood Broun. Collier's Weekly.* 67:14. May 14, 1921.

History shows us that, quite aside from its lamentable effect on art, censorship has failed completely to justify itself as a preserver of public morality. It has always been a firm belief of all censors that an audience can-

not see the fictional depiction of a criminal act without feeling a powerful urge to leave the theater and start immediately to practice the same crime. They would attribute the killing of every king who has been murdered during the last three hundred years to the influence of Macbeth. They consider the American people as a collection of would-be criminals, who desire the instruction which the screen offers to perfect themselves in the technique of murder, theft, or arson. This point of view is borne out neither by court records nor the opinions of studious jurists. Judge Ben Lindsey, of Colorado, has been sitting for years on the bench of his juvenile court, and has failed so far to discover one case in which the youthful delinquent had been influenced toward misdemeanor by the movie. But the censor has always inclined to the belief that the theater causes the evil of its time instead of merely reflecting it. Drama formulates the thought of a people; it does not form it. It is primarily a result and not a cause.—*William C. de Mille.* *Scribner's Magazine.* 76:233-4. September 1924.

The experiments in censorship, as applied to moving pictures, seem to prove that censorship is futile. The censors are political appointees, and we may guess that they are below the average of intelligence, discrimination and taste as compared with the people who prepare the material which they are supposed to judge. The various state boards of censorship have not been able to agree as to what is bad in the pictures. They have spread consternation and confusion among the producing companies, and have satisfied no one except themselves. They are trying to protect the public and keep from it certain knowledge which it already has in huge quantities. What is the sense in cutting out sex stuff and crime stuff from the screen plays while permitting the Sunday papers to broadcast pages and pages of the same kind of material, and to the very same public, including the children? No one is pretending to say that the moving picture

plays have been what they should have been. The trouble with the whole moving picture situation is that the pictures are being violently criticized by people who do not see them regularly. The big producing companies are working out their own salvation and improving their output every day. The whole plan of censorship is repulsive to the hard common sense of the American people. Our people do not wish to be spoon fed and protected.—*George Ade. Literary Digest.* 77:29. June 23, 1923.

In the hectic days following the close of the War, under the false impression that we were protecting the ideals of our government, some of them were trodden underfoot. In the mad rage for what was thought necessary for our protection we attempted to throttle freedom of speech. Freedom of expression was throttled when by law it was sought to have a single department of the government place a test upon the loyalty and devotion to this country of our great army of school teachers. The sanctity of the field of education was invaded by requiring private schools to be licensed by the State in order that we might censor the doctrines taught by them. A censorship over moving pictures was set up and permitted an agency of the State to condemn before the fact. We were on the high road to the ruthless trampling down of the rights of minorities, forgetting that we had upon our statute books abundant laws for the punishment of those who either by act or by speech threatened the upheaval of the orderly processes of government. But the good, sound, well-grounded common sense of the rank and file of our people demanded the repeal of these statutes in 1923 and they were removed from the statute books with my hearty executive approval just as the State was entering upon the greatest era of prosperity in her history. One, however, still remains and that is the State's censorship of moving pictures. While I am satisfied that it should be removed

from the statute books, I am equally satisfied that the State should proceed with all the force and vigor it can bring to its command to the prosecution of anybody who offends against public decency or pollutes the youth by the exhibition of improper or indecent moving pictures.

—*Governor Alfred E. Smith. Message to the Legislature of New York. January 4, 1928. p. 88.*

I do not agree with those who claim that crime among youth is so largely due to what is shown in motion pictures. Of course, some of the weakminded and the vicious have doubtless been stimulated to crime by something good or bad that they have seen in the movies. This may also be said of what they have read in the Bible, the newspapers, magazines, and all kinds of literature, or thru the misuse of automobiles, dancing, or music. But we must always keep in mind that far more good than evil has come out of all these things. Now I am here to say, after talking it over with court officers, who have worked with me for years, that we have yet to find one case of crime among youth that could fairly be traced just to the movies. I do not recall more than two or three cases in my experience of over a quarter of a century on the bench, where there was even reasonable ground to believe that the cause of crime was due just to what the offender had seen in the movies. But I do know of thousands of children who have been elevated, inspired, and made happier because of the movies; who have been kept off the streets, out of the alleys, the vulgar story-telling of the barnyards, and a multitude of idle, evil associates by the wholesome appeals and opportunities of the movies. I also know that other agencies—against which no censorship, local or national, has ever been proposed—have done far more toward producing crime than the movies. If we did not have any motion pictures at all, we would have far more crime than we have. Nothing in the last 50 years of the most eventful history of all time has done more to reduce sin

and crime and add to the happiness, education, and progress of the human race than motion pictures. And it is going to do more and more in this regard in the years to come.—*Judge Ben B. Lindsey. House Hearings. 1926.* p. 255-6.

PART II

CENSORSHIP OF THE THEATER

BRIEF

RESOLVED: That this state should enact a law providing for a censorship of all stage plays similar to that in England.

INTRODUCTION

- I. The meaning of the question.
 - A. The proposed censorship would be patterned after that in England.
 - B. The English censorship of stage plays has been in effect for about two hundred years.
 1. Its opponents claim that in the beginning it was adopted to prevent the misrepresentation and ridicule of the leading statesmen of that day.
 2. This is obviously only one of its very minor purposes in its present application.
 - C. There are several important features of the censorship of stage plays as now used in England.
 1. No stage play can be presented to the public until the book or manuscript has been presented to the examiner of plays and it has been licensed by the Lord Chamberlain.
 2. The examiner is a trained expert who holds his office for life.
 3. Any license may afterwards be revoked, thus preventing obscenity or indecency in the acting of the play.

- II. The censorship of stage plays is an important public question in this country.
- A. Almost every year stage plays are presented in this country that arouse general public indignation and lead to a discussion of possible remedies.
 - 1. Some years two or more such plays are presented in New York city alone.
 - B. Various different remedies have been tried in different localities.
 - 1. In some communities local official censorship has been resorted to as a last resort.
 - 2. In many places police suppression has been used.
 - 3. This has often been followed by criminal prosecution of the offending parties.
 - 4. In New York city the play jury system has been tried unsuccessfully.
 - 5. The Catholic Theater Movement is now being tried in New York city.
 - C. Each year official censorship is being more seriously considered as the only effective remedy.

AFFIRMATIVE

- I. There is a social necessity for a thoro censorship of stage plays in this country.
- A. Many harmful and vicious plays are being presented on the stage.
 - 1. In the past thirty years the worst of the American stage plays have sunk lower and lower.
 - a. In 1901 Charles M. Sheldon said: "At least half of the plays which are at present put upon the stage in the great cities are not helpful to the Christian life of those who attend

- them." (*Independent*. 53:618. March 14, 1901)
- b. In 1909 Samuel H. Adams said: "At one period of the present theatrical season one-fifth of all the dramatic presentations in New York were of dubious character." (*American Magazine*. 68:41. May 1909)
 - c. In 1911 the President of Miami University said in his baccalaureate sermon: "The modern theater is disreputable." (*Republican-News*. Hamilton, Ohio, June 12, 1911)
 - d. In 1914 the *Nation* said: "The theatrical season is just getting under way, and already the standards of ordinary decency and of honest art have been outraged by the mercenary playwright and producer. It is just a trafficking in filth." (*Nation*. 97:246. September 11, 1913)
 - e. In 1919 William Burgess said: "Our recent investigations show that the modern theatrical stage is set for hell. With a few worthy and notable exceptions of legitimate drama, the stage now reeks with moral filth and sensual exhibits." (*Proceedings of the National Conference of Social Work*. 1929. p. 303)
 - f. In 1922 Dr. John Haynes Holmes was quoted as saying that nine out of thirty-nine plays then being presented on Broadway were indecent. (*Literary Digest*. 72:27. March 25, 1922)
 - g. In 1923 the *Outlook* said: "Smut and nudity are on the stage," and the *Literary Digest* said: "Even Suez would

blush at some of the plays now being staged in New York." (*Outlook*. 135: 619. December 12, 1923. *Literary Digest*. 79:29. December 22, 1923)

- h. In 1924 Judge William McAdoo said: "Of late years a few managers have cast discredit and suspicion on the stage in this city by gross indecencies in the undressing of women on the stage in so-called bed-room farces." (*When the Court Takes a Recess*. p. 155)
- i. In 1925 John Galsworthy said: "You have in America at the present time several plays that are designed solely to appeal to the seamy, morbid side of human nature," and Judge Franklin Taylor added: "The spoken drama of the present day on the New York stage outrivals Paris for indecency." (*Outlook*. 139:372. March 11, 1925. *New York Times*. January 18, 1925)
- j. In 1926 the *Theater Magazine* said: "Broadway was never so full of filthy degrading plays. . . Never before in the history of the American theater has so much criticism been directed against the stage." (44:7, 32. August 1926)
- k. In 1927 Frederick Lynch said: "In New York we are passing thru our annual spasm of cleaning up the stage. Things have been going from worse to worst until finally nothing was left undiscovered in our plays, nothing left unrevealed in action, and in some of the revues clothes were utterly dis-

carded." (*Christian Century*. 44:297-8. March 10, 1927)

2. The very titles are often suggestive of filth, obscenity, and indecency.
 - a. This is true of such titles as *Sex*, *Sin*, *The Captive*, *The Virgin Man*, and many more that might be given.
3. Obscenity, indecency, or filth is sometimes found in any part of a play.
 - a. It is sometimes in the setting of the play, as is true of Shaw's play, entitled *Mrs. Warren's Profession*.
 - b. In many of these plays the language is coarse, vulgar, filthy, suggestive, obscene, indecent, or profane.
 - c. Filthy and disgusting stories are sometimes worked into these plays.
 - d. The incidents, actions, and postures are often made indecent or suggestive.
 - e. The clothing or lack of clothing is often one of the chief objections, it being no uncommon thing for persons to appear on the stage practically naked.
4. Filth and obscenity are often used as an attraction for a dull and stupid play, a means of drawing crowds of the baser people to a play that has no merit and would otherwise be a complete failure.
 - a. As a rule it is only the dull people who will write a filthy and obscene play.
 - b. The *Christian Century* has said: "Mediocrity plus indecency attracts a considerable audience. Mediocrity pure and simple attracts nobody." (44:40. January 13, 1927)

- B. This debasement of the American stage is doing great and irreparable harm to our country.
1. It is undermining the character of our youth, corrupting their morals and poisoning their minds.
 - a. Prof. Edward A. Ross has said: "No society can afford to let its members say or publish or exhibit what they please. The ordered sex relation is, perhaps, man's greatest achievement in self-domestication. Common sense forbids that the greed of purveyors of suggestive plays, pictures, or literature be suffered to disturb it. . . Artists, working in the sphere of personal ideals, may not be left uncensored, seeing that any poison they emit circulates so rapidly." (*Social Psychology*. p. 126, 133)
 2. It is lowering the ideals of the nation, robbing our people of their moral birthright.
 - a. The *Outlook* has said: "In the hands of vicious men the stage can undermine character, corrupt youth, and degrade the name of art." (139:358. March 11, 1925)
 3. It is undermining and possibly killing the stage itself.
 - a. In the summer of 1930 the newspapers reported that only twenty-six plays and musical comedies were on view in the whole United States.
 - b. While different people name a variety of different causes for this condition, it is probable that the chief one, or at least one of the chief causes, is

that our stage is dying from internal poison.

- C. For these conditions there is no other remedy than official censorship by the government, as all other remedies have been tried and have failed.
 - 1. Police censorship and criminal prosecutions have failed completely and miserably.
 - a. There is probably not a single policeman in America who is qualified to judge the artistic qualities of a dramatic performance or the social effects of any given stage play.
 - b. Everybody knows that criminal justice in America, at least in the American cities, has broken down.
 - (1) William Howard Taft once said: "The administration of criminal law in this country is a disgrace to civilization."
 - c. The net result of a great many attempts at police censorship has been a lot of free advertising for the vicious play.
 - (1) After the arrest of the guilty parties the hands of the police are often tied by an injunction, and the play goes on to capacity houses, composed mostly of the baser people, who are attracted by the advertising the newspaper accounts of the arrest have given the play. (*Christian Century*. 44:297. March 10, 1927)
 - 2. Volunteer agencies of various kinds have tried to remedy these conditions and have uniformly failed to do so.

- a. The play jury system was tried in New York, but it was a complete and total failure, and has been abandoned.
 - (1) The members of this volunteer jury soon grew tired of the task and discontinued to serve.
- b. The plan of leaving the matter entirely to itself, of placing the theater interests on their honor to clean their own house, has failed to make any improvement at all.
 - (1) The producers of vicious and indecent plays have gone on with their nefarious business as if nothing had happened.
 - (2) Judge William McAdoo has said: "The good standing of a manager among his colleagues does not seem to be in any wise endangered when he persistently produces obviously indecent, salacious, coarse, and vulgar plays solely for the profit he can make out of them." (*When the Court Takes a Recess*. p. 134)
- 3. Local censorship has failed to improve the conditions.
 - a. A vicious and indecent play, driven out of the city, will move to another city, often a nearby city, and have larger attendance because of the free advertising it has received.
 - (1) When *The Strange Interlude* was driven out of Boston in 1929, it opened the following Monday in the city of Quincy,

seven miles south of the State House in Boston. (*New York Times*. September 25, 1929)

- (2) When a judicial decision prevented *The Captive* from playing in Detroit, it returned to Cleveland for a two weeks' engagement, altho the Detroit judge in his decision had declared it to be "invariably immoral and obscene." (*Cleveland Plain Dealer*. June 22, 1928)

II. State censorship of stage plays is a wise and desirable policy.

- A. It is an effective remedy for the gross evils that now exist in the American theater.
1. It will make it impossible to produce obscene, indecent, immoral, filthy, and disgusting plays.
 2. It will prevent the display of nudity on the stage.
 3. It will prevent indecency and vulgarity in actions as well as in words.
 4. It will drive the criminal element out of the theater and the theatrical business.
 - a. Some of the indecent and disgusting plays have been produced by persons who have been convicted on a felony charge and have served a prison sentence.
- B. It will safeguard society and protect our civilization from the enemies within, the antisocial element among the producers who for the sake of their own gain are poisoning the minds of our youth and undermining the morals of the nation.

1. It will protect the decent people and the youth of the country from witnessing filthy, obscene, immoral, indecent, revolting, and disgusting scenes on the stage.
 2. It will make the stage clean enough so the better class of people will feel safe in attending it.
 3. It will help to preserve the ideals of the nation.
- C. It will simplify the matter of control and purification of the theater.
1. It will set a uniform standard for each state.
 2. Local authorities will then know whether any given play is lawful or not.
 3. It embodies the principle of prevention of crime, rather than that of punishment after a crime has been committed and the harm has been done.
- D. It will improve the drama and the stage in America.
1. Dull and stupid plays will no longer be a financial success.
 - a. They will no longer be able to attract the base and vicious classes by filth, obscenity, indecency, nudity, and sex smut.
 2. The good plays will be better attended and therefore more successful financially.
 - a. The better classes of people will feel safe in attending the theater and will do so in greater numbers.
 - b. The better class of men will then consider the theater a proper place to take their families or to permit their children to go.
 3. The writing and acting of plays will be lifted to a higher plane.

- a. Dramatic and theatrical success will depend upon real merit, and not upon boldness in committing crime and indecencies.
- III. State censorship of stage plays is a practicable remedy for the existing evils and abuses.
 - A. It has been used with remarkable success in England for about two hundred years.
 - 1. It has kept entirely off the English stage the filth, obscenity, indecency, and vulgarity that now characterize the stage in America and France.
 - a. Even the questionable play by Shaw, which has been presented in America and in several foreign countries, has never been seen upon the stage in the country where it was written.
 - 2. It has encouraged the writing and acting of good plays.
 - a. Even Shaw has learned his lesson, and not written another play like the one above referred to.
 - 3. It is approved and endorsed by most of the best minds in England.
 - a. This includes practically all of the actors and producers.
 - b. It includes the great majority of the critics, statesmen, clergymen, scholars, and other leaders of thought and opinion.
 - c. G. K. Chesterton has said: "I am very strongly for the censorship." (Report of the Joint Select Committee. p. 342)
 - d. Sir Herbert Beerbohm Tree said: "I feel that some kind of censorship is absolutely necessary." (Report of the Joint Select Committee. p. 151)
 - e. A. B. Walkley has said: "The present form of censorship represents the

rough common sense of the great mass of the public." (Report of the Joint Select Committee. p. 198)

- f. William F. Fladgate says: "I do not think the censorship has inflicted any real injury on the growth of serious drama in England." (Report of the Joint Select Committee. p. 56)
 - g. J. Forbes-Robertson says: "My view is that the censor should be retained, that he should have more liberty, that he should have absolute power." (Report of the Joint Select Committee. p. 108)
 - h. Sir William S. Gilbert says: "I am very strongly of the opinion that there should be a censor." (Report of the Joint Select Committee. p. 190)
 - i. George Edwardes says: "There would be a danger if the censor were abolished, the greatest danger in the world." (Report of the Joint Select Committee. p. 240)
 - j. A great many more statements might be given from the utterances of the leading Englishmen of the past two hundred years.
- B. Local censorship of stage plays has worked well in several of the cities of this country.
- 1. It has been used in Boston for twenty-six years to the general satisfaction of the people there.
 - a. It has kept out of the city the worst of the plays that have been shown in New York and elsewhere.
 - 2. It has kept off the stage the worst of the plays that have actually come to Boston.

- C. Stage censorship will work even better as a state-wide measure.
 - 1. Uniformity thruout a state will simplify the enforcement of the law.
 - a. Every play will have to be licensed by a competent examiner or board of examiners before it can appear on any stage in the state.
 - 2. It will dignify the official action taken to purify the stage.
 - a. Censorship will be removed from the spasmodic caprice of police or prosecutors.
 - 3. It will be thoroly respected by the criminal element among the producers and playwrights.
 - a. It will be difficult to evade or violate.
- D. It is the natural and logical remedy for the evils that exist on the stage.
 - 1. These evils threaten and endanger the morals and the ideals of our people, the character and the permanence of our institutions.
 - 2. It is natural, therefore, that the state should exert its inherent and sovereign authority, known in law as the police power, to remedy the conditions.

NEGATIVE

- I. A state censorship of stage plays is entirely unnecessary in this country.
 - A. Thru all the ages great and lasting good has been done by the theater.
 - 1. The theater serves to entertain, to instruct, and to inspire.

- a. Sarah Bernhardt once said: "The theater is a need of all nations, of all races, of all beings. One must love the theater." (*Current Literature*. 34: 174. February 1903)
2. Most of the stage plays are good and wholesome.
 - a. The drama is the best work of many of the world's best minds from Aristophanes to Shakespeare and the great dramatists of today.
 - (1) Three hundred years ago John Milton said the stage had been "ennobled" by the great dramatists. (*Il Pensero*. Line 102)
 - (1) Constance Skinner has said: "The stage has maintained a much higher idealism than characterizes those business and social spheres from which many of its would-be censors come; yes, and a higher idealism than some of the religious bodies maintain." (*New York Dramatic Mirror*. 71:4. February 25, 1914)
 - b. Only the best plays survive, while the poorer ones die and are forgotten.
 - (1) In every age there have been poor plays written which reflect the life of the times.
3. The audiences that attend the theaters are satisfied with what they see and hear.
 - a. They know in advance what the play is to be.
 - b. The people who attend theaters select the play they will see and they get what they want.

- B. The stage ought not to be so severely blamed for its own shortcomings.
 - 1. From time immemorial the stage has been severely criticised and condemned.
 - a. Most of these attacks have been due to religious beliefs or prejudices.
 - b. Many of them are from people who do not themselves attend the theater and therefore do not know what they are talking about.
 - 2. The stage is only a mirror that reflects life as it is.
 - a. It ought not to preach or to seek to reform the world.
 - (1) It must be real, a true reflection of life.
 - (2) James Russell Lowell once said: "The stage is a mirror in which the public itself is reflected. And the public itself is to blame if the stage is ever degraded." (*Modern Eloquence*. vol. 2. p. 748)
 - b. In picturing life accurately the stage must show its vices and its villains as well as its virtues and its heroes.
 - c. The only way to elevate the stage is by elevating the human race.
 - (1) This must be done by education and culture.
 - (2) William Archer says: "Vulgar entertainments there will always be so long as there are people of vulgar tastes to be catered to." (*Critic*. 37:59. July 1900)
 - 3. The stage is not more obscene, indecent, or vulgar than are several other forms of entertainment.

- a. Many moving pictures have been made that are fully as bad as the worst that is seen on the stage.
 - b. The worst among the recent books and magazines of fiction are far more obscene, indecent, and harmful than the worst that has ever been presented on the stage.
 - c. Many of the newspapers in their articles on crimes, criminal trials, prize fights, divorce cases and other scandals are doing the country far more harm than the stage.
- C. No great and lasting harm is being done by the stage of today.
- 1. Merely attending an indecent play, or a dozen of them, does not lower a person's character or ideals.
 - a. The people who will attend this kind of play are already base and vulgar.
 - b. No real evidence has yet been produced to show that attendance at these plays has injured the people who went.
 - (1) Channing Pollock says: "The influence of the theater is much overrated and neither children nor adults have ever rushed out of a playhouse to commit murder after witnessing a performance of Richard III or Othello." (*Current Opinion*. 62:408. June 1917)
 - 2. The morals and ideals of the country have not been lowered.
 - a. The morals and ideals of the American people were never any higher or purer than they are today.

3. Crime has not been increased by the theaters.
 - a. No evidence has ever been presented to prove such a conclusion.
 - b. The best evidence seems to show that crime is not now increasing in this country.
 - (1) George W. Kirchwey says: "The official record, covering the eighteen years from 1910 to 1927, inclusive, shows a marked decline of from 35 to 40 per cent in the general crime rate in the United States, and this notwithstanding the immense number of new crimes resulting from liquor, drug, and traffic laws enacted since 1910." (*New York Times*. May 26, 1929)
4. The youth of today are no worse than in previous generations, but in many respects are far better.
 - a. For centuries a few of the older people, especially the busy-bodies of the holier-than-thou type, have worried about the young people.
 - b. A much larger percentage of our young people are in high school and college than has been true in any previous generation.
 - (1) There are now more students attending colleges and universities in the United States than in all the rest of the world.
 - c. Education from the kindergarten to the university is better now than it ever was before.

- D. The present laws are fully adequate to remedy any abuse that may develop on the stage.
1. Every state in the Union now has laws against any show that is immoral, indecent, obscene, vicious, or harmful.
 2. There are laws in every state against anything that may tend to corrupt the morals of youth or debase American ideals.
 3. If these laws cannot be enforced so as to protect society against such obvious evils as are complained about, then why enact more unenforceable laws?

II. State censorship of stage plays is an undesirable and unwise policy.

- A. It is undemocratic and unAmerican.
 1. It is out of harmony with the spirit and purposes of our constitutions and institutions.
 - a. Censorship provides for punishment before a crime has been committed, while our constitutions and laws provide that every person shall be presumed to be innocent until he has been proved to be guilty.
 - b. Censorship limits freedom of expression and publication, which are guaranteed to our people by all our constitutions.
 2. Censorship of stage plays will be a form of class legislation.
 - a. The standards under any censorship are always set by a group of cultured and refined people to conform to their own tastes and ideals.
 - b. Such standards would be a plain discrimination against the uncultured masses, for there are great numbers

of our people who, because of their lack of education and refinement, have never learned the difference between humor and filth and who are really entertained and amused by things which the educated and refined people regard as filthy and indecent.

(1) *The New York Law Review* has said: "If the theaters are indecent it is because audiences are eager to pay for indecencies or are tolerant to them." (5:87. March 1927)

- B. It is open to grave dangers and serious abuses.
 - 1. It might be made use of by the party in power to perpetuate itself in office.
 - a. All censors would be political appointees.
 - b. Censors could be more easily influenced and controlled than most political appointees, because there are no definite standards or legal precedents by which their decisions would be limited.
 - c. Statesmen who would own stock in Credit Mobilier, as one President did, or who would dispose of tremendously valuable parts of the public domain at a mere trifle of its real value but with a personal reward to themselves, would not hesitate to use the theater unlawfully to keep themselves in office.
 - 2. If this power over the theater were used to its full possibilities by the party in power, our free institutions would be endangered.

3. Unreasonable and absurd standards of censorship might be established.
- C. State censorship would hamper and restrict the growth of the drama.
 1. John Palmer says: "The Lord Chamberlain has frightened genius out of the theater." (*Future of the Theater*. p. 94)
 2. William Archer has said: "The censor keeps serious drama down to the level of his own intelligence." (Report of the Joint Select Committee. p. 39)
 3. J. M. Barrie says that the censorship "makes our drama a more puerile thing in the life of the nation than it ought to be." (Report of the Joint Select Committee. p. 101)
 4. Thomas Hardy has said: "Something or other—which probably is consciousness of the censor—appears to deter men of letters from writing for the stage." (Report of the Joint Select Committee. p. 128)
 5. H. G. Wells says: "The censorship with its quite wanton power of suppression has always been one of the reasons why I have not ventured into play writing." (Report of the Joint Select Committee. p. 128)
 6. Arnold Bennett has said: "Most decidedly the existence of the censorship makes it impossible for me even to think of writing plays on the same plane of realism and thoroness as my novels." (Report of the Joint Select Committee. p. 128)
 7. John Galsworthy says: "I consider that an irresponsible censorship very heavily handicaps the drama as compared with other branches of literature and art. I think it deters men of letters from writing

for the stage." (Report of the Joint Select Committee. p. 127)

D. It is wrong in theory.

1. It places restraint and punishment upon all playwrights, producers, managers, and actors.
2. Restraint and punishment should only be meted out to those who have offended and done wrong.

III. State censorship is an impracticable remedy for whatever evils may exist in the American theater.

A. England's experience with the censorship of stage plays is not a valid argument for its adoption in this country.

1. Stage censorship has not been remarkably successful in England.
 - a. Israel Zangwill says that it "serves to protect indecency and to exclude ideas." (Report of the Joint Select Committee. p. 325)
 - b. John Galsworthy has said: "It is very well known that there are any number of plays produced under the present censorship which are not desirable for young girls to see." (Report of the Joint Select Committee. p. 130)
 - c. William Archer says that it "has been entirely ineffective in keeping off the stage plays which are very offensive to the feeling of people who have any at all keen sense of decency or of what is fitting." (Report of the Joint Select Committee. p. 38)
 - d. Hall Caine has said: "The censorship has failed to carry out its purposes." (Report of the Joint Select Committee. p. 307)

2. There is strong opposition to it in England.
 - a. George Bernard Shaw says: "I think that the censorship ought to be abolished." (Report of the Joint Select Committee. p. 46)
 - b. William Archer has said: "About a year ago a petition against the censorship, and praying to be relieved from the censorship, was signed by nearly every dramatic author in England, by every dramatic author, certainly, of any eminence." (Report of the Joint Select Committee. p. 35)
 - c. Gilbert Murray says that it "is totally indefensible and even absurd," adding that "No other art at all is subjected to any restriction like that to which plays are subjected." (Report of the Joint Select Committee. p. 214)
 - d. John Palmer has said: "The institution of the Lord Chamberlain's censorship of plays is a fitting symbol of the degeneration and dark ages of the English theater." (Report of the Joint Select Committee. p. 93)
 3. Whatever success stage censorship may have had in England would prove nothing as to how it would work in any given state of this Union.
 - a. The great difference in the conditions and the traditions makes any such deduction entirely illogical.
- B. State censorship cannot remedy whatever evils there are in the American theater.
1. The *Independent* has said: "Censorship of plays is one of the most dubious proceedings ever devised by reformers for the

- protection of the public. It never protects." (118:327. March 26, 1927)
2. The *Literary Digest* has said: "Other countries have had state censorship, notably Great Britain. It has not only failed to prevent the presentation of indecent plays; it has actually banned plays which had a real intellectual interest and dramatic value." (72:27. March 28, 1922)
 3. The reason for these failures is that censorship is attempting to do the impossible.
 - a. It is an attempt to draw a line between good plays and bad plays.
- C. There is general public opposition and distrust of any form of censorship.
1. The public opinion in the United States is now strongly opposed to any further legislation that will be a restriction upon individual liberty.
 - a. National prohibition is probably largely responsible for this state of mind.

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GENERAL DISCUSSION

CENSORSHIP OF STAGE PLAYS IN ENGLAND¹

The modern English drama may be considered to have had its rise in the period of the Renaissance, and a censorship over the performance of stage plays has existed since that time. In the reign of Henry VIII the amusements of the Court were under the control of a Master of the Revels. From that date to the time of the Commonwealth, when all theatres were suppressed by law, writers of plays were subject to the authority either of the Master of the Revels, or of the Privy Council, or of the Court of Star Chamber. It is not certain at what date the Lord Chamberlain first began to exercise a direct censorship over stage plays, but the records of his office show that as early as 1628 the Lord Chamberlain, either personally or thru the Master of the Revels, who was his officer, licensed theatres and closed them, and exercised a general supervision over the work of the dramatists.

These powers sprang from the Royal Prerogative, but in 1737 the censorship became a statutory function of the Lord Chamberlain. The Act of 10 George II, ch. 28, was carried thru Parliament in that year by Sir Robert Walpole, in order to restrain the political and personal satire which was then prevalent on the stage, which the Government of the day found embarrassing, and which the censorship as it then existed was found ineffective to curb. There stands on record a strong protest by Lord Chesterfield against the powers which

¹ Report from the Joint Select Committee of the House of Lords and the House of Commons on the Stage Plays Censorship. 1909. p. v-viii.

this measure conferred. The Statute constituted the Lord Chamberlain Licenser of Theatres within the city and liberties of Westminster, and wherever the Sovereign might reside. It required a copy of every new play to be sent to him not less than fourteen days before the proposed performance. It empowered him to prohibit, at any time and anywhere in Great Britain, the performance of any play, and it imposed heavy penalties on those who should perform any play in an unlicensed theatre, or any prohibited play, or any new play without the sanction of the Lord Chamberlain or of Letters Patent from the crown. On the passing of this Act, altho not required by it to do so, the Lord Chamberlain appointed and "swore in" a Licenser or Examiner of Plays, with a salary of £400 a year, to act under him, and also appointed a deputy. The office of Examiner of Plays has existed continuously from that time to this.

By an Act of 1788 Quarter Sessions were empowered to grant licenses for occasional theatrical performances in the provinces.

In 1832, on the motion and under the chairmanship of Mr. Lytton Bulwer, afterwards Lord Lytton, a Select Committee of the House of Commons sat to review the operation of Walpole's Act. This Committee reported in favour of some changes in the authorities which should license theatres, and in the principles upon which they should proceed, but recommended the retention of the Lord Chamberlain's censorship over plays.

Acting in large measure on the recommendations of this Report, Parliament in 1843 passed a fresh statute for the regulation of theatres. This measure, the Theatres Act, repealed previous statutes, including Walpole's Act; it substituted new provisions, and, with some alterations of machinery effected by Local Government Acts, it is now operative law.

Under the Theatres Act, 1843, the performance of stage plays is prohibited except in authorized places. A place may be authorised for the purpose either by Let-

ters Patent, or by license from the Lord Chamberlain, or by license from the Justices of the Peace in special sessions. The jurisdiction of the Lord Chamberlain as Licensor of Theatres extends to the cities of London and Westminster; to the areas which constituted in 1843 the borough of Finsbury, Marylebone, Tower Hamlets, Lambeth and Southwark—the Metropolitan Boroughs at that time; and to the town of Windsor and other places of royal residence. The powers of the justices to license theatres elsewhere have been transferred to the county councils in England and Wales by the Local Government Act, 1888. The county councils may, however, if they think fit, delegate their powers to the justices in Petty Sessions, or, in the case of non-county boroughs within their area, to the borough councils, and some of the councils have done so. The Lord Chamberlain may order any theatre licensed by him, or any patent theatre, to be closed on account of riot or misbehaviour or on "such public occasions as to the Lord Chamberlain shall seem fit." The Justices may order any theatre licensed by the local authority to be closed on account of riot or breach of any regulations made by the authority.

Not only the theatres, but also the plays to be performed in them, are required by the Statute to be licensed. The authority here is in the hands of the Lord Chamberlain. The local authorities have no functions in this respect.

A copy of every new stage play, and of every addition to an old play, must be sent to the Lord Chamberlain by the manager who proposes to produce it, at least seven days before it is intended to be performed, accompanied by a fee to be fixed by the Lord Chamberlain, not being more than two guineas. The Lord Chamberlain may prohibit the acting of any play or any part of a play, even if it has been licensed, "anywhere in Great Britain, or in such theatres as he shall specify, either absolutely or for such time as he shall think fit." The Statute of 1737 conferred upon the Lord Chamberlain

an unfettered power of veto, with no indication of the grounds upon which he was to act; when the Bill of 1843 was passing thru the House of Lords, words were inserted on the suggestion of Lord Campbell restricting, tho vaguely, his powers of prohibition to cases in which "he shall be of opinion that it is fitting for the preservation of good manners, decorum or of the public peace so to do." These wide words form the only provision which now gives statutory direction to the operation of the censorship.

A stage play is defined in the Theatres Act as being "taken to include every tragedy, comedy, farce, opera, burletta, interlude, melodrama, pantomime, or other entertainment of the stage, or any part thereof"; with a partial exemption for performances at fairs. Adequate penalties are imposed for infractions. The Act applies to Scotland, but not to Ireland.

We shall deal in subsequent parts of our Report with the relation of this and other statutes to the performances given in music halls, and with the laws now in force in Scotland and in Ireland.

THE CENSORSHIP

On three occasions since the passing of the Theatres Act in 1843 committees of the House of Commons have considered the provisions and application of the law relating to the Lord Chamberlain's Censorship over plays, tho on each of those occasions the question of the licensing of buildings was the main subject of inquiry, and the question of the licensing of plays was little more than incidental. In 1853 a select committee of the House of Commons on public houses and places of entertainment reported that the censorship had worked well, and should be maintained. In 1866 a second committee, after hearing much evidence—including that of several witnesses, tho a minority of the whole number, who were hostile to the censorship—also reported "that the censor-

ship of plays has worked satisfactorily, and that it is not desirable that it should be discontinued." In 1892 a third committee of the House of Commons, before whom only one witness, Mr. William Archer, appeared to condemn the censorship, repeated and endorsed the judgment of their predecessors. We do not find ourselves able to arrive at a conclusion so simple or to present a recommendation so succinct.

With rare exceptions all the dramatists of the day ask either for the abolition of the censorship or for an appeal from its decisions to some other authority. Not only playwrights belonging to a particular school of thought, but men of all schools, unite in this demand.

They urge that to suppress a play without trial or possibility of appeal is an excessive use of the executive power; that official control conventionalises the stage; that in practice the possible growth of a great drama, critical of contemporary life and of customary ideas, is hampered. Some add that there is no reason to apply to the theatre laws different from those which suppress indecency or blasphemy or libel in books and newspapers, and contend that special regulations for plays lay a stigma upon the profession of dramatist. Others hold that by means of the power of withdrawing the license of a theatre, or of prosecutions under a law framed for the purpose, the performance of improper plays could be prevented or quickly penalised, without need of a prior control. These views are supported by many men of letters other than dramatists. The Bishop of Southwark also, while desiring the retention of a censorship, urges that it would be injurious if it hindered "the treatment, quite free and bold, of what may be called moral questions."

On the other hand, with exceptions equally rare, the managers of theatres ask for the retention of a control over plays prior to their production. Some of the managers ask this partly because they think that the abolition of the censorship would result in the production of a proportion, tho perhaps a small proportion, of objection-

able plays, which, besides being harmful to the public, would cast discredit on the British theatre as a whole. Some are unwilling themselves to assume the responsibility of judging what is proper for performance and what is not, and would wish to rely, as now, on a tribunal of authority. Some regard the censorship as a machinery for bringing to bear on an author a pressure to induce him to modify his play, which they themselves would be unable to exert. But all the managers are agreed that if the abolition of control by censorship were replaced by a control by the local licensing authorities, or by a control thru prosecutions—and one or other they regard as an inevitable alternative—their position would be rendered intolerable by the uncertainty that would attend it. The actors' organizations share this fear of insecurity involved in an *ex post facto* control. It is clear that the retention of the censorship is desired also by a large body of public opinion, of which the Speaker of the House of Commons, who was good enough to express his views on this subject may be regarded as representative, on the ground that its abolition would involve serious risk of a gradual demoralisation of the stage.

Our examination of these conflicting arguments has led us to the following conclusions:

We consider that the law which prevents or punishes indecency, blasphemy and libel in printed publications would not be adequate for the control of the drama. Ideas or situations which, when described on a printed page may work little mischief, when represented thru the human personality of actors may have a more powerful and deleterious effect. The existence of an audience, moved by the same emotions, its members conscious of one another's presence, intensifies the influence of what is done and spoken on the stage. Moreover, scenes in a play may stimulate to vice without falling within the legal definition of indecency; they may include personalities so offensive as to be clearly improper for presen-

tation, which yet are not punishable as libellous; they may outrage feelings of religious reverence without coming within the scope of the Blasphemy Laws; and they may give occasion for demonstrations injurious to good relations between this country and foreign powers without coming within the purview of any law whatsoever. The performance, day after day, in the presence of numbers of people, of plays containing one or other of these elements, would have cumulative effects to which the conveyance of similar ideas by print offers no analogy.

We conclude, therefore, that the public interest requires that theatrical performances should be regulated by special laws.

CENSORSHIP IN ENGLAND²

The first law with regard to the presentation of plays and performances in England was passed in 1737 when Walpole was Premier. Critics of the censorship in that country attribute the act to the personal feelings of the prime minister, because there was a play which held him and his party up to ridicule, and which at that time was being presented on the stage. They assert that the act had no foundation but the personal and political bitterness of the Premier. The present law, which now governs all plays in Great Britain, was passed in 1843, and it is interesting to note the difference between that and the language of our (New York) statute.

The Lord Chamberlain by that act was made the official censor, to whom all plays must be submitted in writing and a license given before they could be produced on the stage. The play was judged solely by the book, and not as in this state, by the performance and the book. It is interesting to note the difference in the language between this act and our statute. The Lord Chamberlain's powers are contained in these words, "He shall have the right to prohibit the performance of any

² By William McAdoo. *When the Court Takes a Recess.* p. 140-3.

play whenever in the opinion of the Lord Chamberlain it is necessary for the preservation of good manners and decorum or of the public peace." The word "manners" here takes the place of "morals" and "decorum" of "decency," and the words "or of the public peace" are very significant and have been far-reaching in their effect upon the English stage.

It is an unwritten rule of the English censor not to license or permit any play which might possibly give offense to a foreign nation with which Great Britain is at peace, or hold up any living person to ridicule or contempt, or where the characters are taken from the Bible, altho some exceptions have been made to the latter in exhibitions allowed.

Whenever an author has written a play in England he must send a copy signed by the manager of the theatre where it is proposed to produce it to the Lord Chamberlain as an official censor. Practically it goes to an official called the examiner, who has a life tenure of a salaried office. It is his business to read all plays, of whatever character, and either to license or reject them. No appeal can be taken from a rejection, but rejections are very rare, possibly half a dozen, say, out of seven thousand plays submitted. But one reason for this is that authors, knowing that certain classes of plays would not pass the censor, do not write them.

Leading authors in Great Britain contend that this has cramped the national genius, and that therefore the stage in dealing with serious subjects is much inferior to that of the continent. The examiner, according to his evidence before the joint committee of Parliament, is a very conservative, conventional, and perfunctory sort of official. When he comes to a play which seems seriously to offend, he acquaints the Lord Chamberlain with the situation, who in turn has a volunteer committee of eminent citizens whom he consults as a sort of jury. These include one or two playwright managers.

After the play is once licensed it has immunity from local objections, as, for instance, a play which had been licensed in London by the censor might be considered as destructive of good manners and decorum or endangering the public peace by the local authorities in Dublin or Edinburgh or Manchester, but the local theatre manager is protected by the censor's permit to a very large extent—that is, against prosecution such as might be had in this state, but he is not immune from a revocation of his license by the licensing power of the locality. This power, however, is seldom if ever exercised as against a play licensed by the censor. As a result of this law the managers of theatres in England are strongly in favor of the censorship as it exists in direct opposition to the authors and writers.

CATHOLICS CRUSADE FOR STAGE CLEAN-UP *

A formal attack under the auspices of Cardinal Hayes was launched throughout the Archdiocese of New York yesterday against what the Roman Catholic authorities call "obscene plays" in this city.

Mgr. Michael J. Lavelle, rector of St. Patrick's Cathedral, who is the active head of the campaign, in a letter to his parishioners, which was copied in the Summer Bulletin of the Catholic theatre movement, declared that the stage in New York this Summer had sunk so low that it had become an "outrage of public decency" and the "dishonor of America's finest, noblest and most hospitable city."

Cardinal Hayes is honorary president of the Catholic Theatre Movement and Mgr. Lavelle is its director. It is under the auspices of this organization, which has been working quietly for eighteen years, that the campaign will be waged. It is believed that the crusade at this time was prompted largely by the proceedings against participants

* From *New York Times*. August 11, 1930.

in the Earl Carroll "Vanities" on the charge that they had taken part in an indecent performance.

The Bulletin contains an editorial headed "Classics and Modern Animalism Exploited." It was admitted at the cathedral rectory last evening that the first paragraph referred to *Lysistrata* the adaptation of Aristophanes's comedy by Gilbert Seldes, now being played, and that the second paragraph referred to the "Vanities."

TEXT OF THE EDITORIAL

The editorial follows:

A classic of unabashed pagan mockery, as audacious an assault upon public decency as has ever been perpetrated on our stage, cannot it seems be reached by the police.

Another production, speciously claiming to be artistic, but which, in the words of a prominent critic, is meant to be "nude and leering and close to the mood of the gutter," has actually come within the clutches of the law.

Playgoers who hold by Christian (and at least one time) American traditions of decency will regret that in the first of these cases the law could not function, but will gratefully realize that, in the other, there was found sufficient warrant to hold up the offenders to public opprobrium.

It is to be borne in mind that in these two instances there is only shown the logical outcome of tendencies in the theatre which have grown stronger year by year.

If now more flagrant and bolder attempts are made to test how far commercialized obscenity and degeneracy on the stage will be tolerated, it may be that playgoers of decent instincts, without whose patronage no production can succeed, will be aroused to a sense of their responsibility and refuse to play into the hands of the panderers.

LAVELLE DEPLORES SHOWS

The message from Mgr. Lavelle follows:

This month usually brings to our city a large number of visitors. They are very welcome, and we hope they will derive pleasure and profit from their coming. Apart from a few over hot days, on which we must always calculate in Summer, it is likely that New York is one of the finest vacation resorts in the world. With its many local attractions, wonderful beaches, and other suburbs, it offers opportunities for health, rest and recreation that can scarcely be surpassed. But right-minded people cannot avoid deplored the low character of many theatrical shows which are presented at this time, apparently for the purpose of inviting patronage from our visitors.

These performances are not a credit to our city's fair fame. And they manifest a very inferior opinion of the taste and the character of the fine men and women who come here for their holidays. The law does what it can to preserve decency and decorum. But the law and its officials must always wrestle with the difficult question of liberty. Liberty reminds one in some respects of free will. The latter is a great gift and the only source of merit. But it is very capable of abuse, and this makes it a cause of misery to many. Similarly, it is not without cause that we have to say so often: Oh liberty, what crimes are committed in thy name!

SEES OUTRAGE OF DECENCY

It is probable that this evil will never be remedied except by the gradual crystallization of a sound, widespread public opinion, determined first not to patronize; and then to prevent, this outrage of public decency, and the dishonor of America's finest, noblest and most hospitable city; as well as the courtesy to our guests, involved in lascivious performances.

The Catholic Theatre movement, whose August bulletin is just appearing, has been laboring for years to promote this fine public sentiment and to give it strength. Its success has been considerable. But very much remains to be done. It calls upon all our Catholic people, and upon all others who think with us, to set their faces and their influences against stage obscenity. "Truth crushed to earth will rise again." Though right be worsted, error cannot eventually triumph. Most people in New York, residents and visitors, are decent. When they make their honest convictions known, nothing can withstand them. May it be soon!

ONLY TWO PLAYS ON "WHITE LIST"

It was explained at the cathedral rectory, whence the bulletin is issued, that the only reason copies of its attack on the New York stage were not distributed yesterday at the doors of all Catholic churches was because the organization had not sufficient funds for the printing.

The bulletin contains only two plays on its "white list," as of July 15. These are "The First Mrs. Fraser" and "The Green Pastures." The policy from the beginning has been not to give any "black list" or to pass a criticism on any play. Rather, it prints adverse criticisms from the secular press on plays not on the "white list."

In accordance with an established rule, representatives of the Catholic Theatre Movement who report upon plays cannot accept tickets or other favors from managers.

The bulletin contains a statement declaring:

In the eighteen years of its existence the movement has gained countrywide recognition as a Catholic activity for which there has been, and is, and will be, an urgent need.

The movement does not deserve any imputation of narrow-mindedness. It, however, does all it can to persuade our people confronted by problems growing out of the character of plays on the stage and on the screen, even at some sacrifice of pleasure not to sacrifice what is infinitely more important—their own Catholic inborn sense of what is decent and wholesome.

How perplexing are these problems—presented by plays and movies—is evident from communications from clergy and laity from all parts of the country.

The Catholic Theatre Movement enters, directly or indirectly, into no "entangling alliances." Its sole obligation is to the individual playgoer who seeks to be informed as to the moral value of the plays he is called upon to countenance and to patronize.

The Catholic Theatre Movement was organized by the late Cardinal Farley in 1912.

CENSORSHIP INEVITABLE⁴

As has been suggested here a number of times, the lid of censorship is closing down, slowly but certainly on the tousled head of the American drama. Last week Winthrop Ames and other respectable representatives of the producers and the actors, alarmed by the imminence of political supervision, got together to frame a plan for doing their own housecleaning and thereby heading off the legislators from upstate who would be likely to do quaint and embarrassing things to the theatre once they were armed with censorial power.

They may be able to stave off the lawmakers, but whether they do or do not censorship of some sort is as inevitable as tomorrow. The theater is the most imitative institution on the face of the earth. One successful play of a certain genre leads to the production of a dozen others of the same kind.

It required no clairvoyance to predict some weeks ago that the remarkable prosperity of *The Captive* would

⁴ By William M. McDermott. *Cleveland Plain Dealer*. February 6, 1927.

bring on a flood of plays equally "daring" and without any of the austerity and dramatic dignity of Bourdet's play.

The flood has come and you can now see in the New York theatrical columns advertisements of such wares as *The Virgin Man* or a piece described as *A Male Captive*. These frankly label themselves for what they are—cheap, imitative pornography.

There will be imitators of these imitators, piling filth on filth, until even the careless tolerance of Mayor Walker's village will be strained to the breaking point. Then you will be able to treat yourself to the elegant spectacle of censorship dancing on the remains of the American theater.

A FEW FACTS

Before getting worked up one way or another over that prospect let us try to get a few facts straight. In the first place the American stage today is preponderantly well behaved. The derelicts and the rips are few as compared to the main body of the contemporary drama.

For instance, the current attractions in the local theaters are more typical of the real state of the stage than are the reigning Broadway ribaldries. *The Poor Nut*, a nice fable of college life; *The Vagabond King*, ringing tunes set to a dashing romantic story; *Pigs*, a piece from John Golden's invariably spotless workshop—all three of these are morally impeccable as are this week's popular wares, *The Jazz Singer* and *White Collars*.

The sinners among the plays are an infinitesimal minority, making a noise out of proportion to their numbers.

AS IN A MIRROR

That is one thing to keep in mind. Another is that we cannot look on the stage as an isolated phenomenon unrelated to any other human activity. The theater is a re-

flection, sometimes distorted, of everything that is going on about us. It seldom leads thought or fixes manners. It is in every sense imitative, catching up what is in the air and turning what it nets there to its own profit.

Novels probably have a deeper influence in setting manners, in creating and disseminating ideas. The stage today is, more than ever, a lackey of the novel. Nearly every successful fiction reaches the stage.

Two of the prosperous plays current in New York are taken from novels, one, Dreiser's, *An American Tragedy*, the other, Margaret Kennedy's, *The Constant Nymph*. Both of these have been criticized for their candor in dealing with human relationships.

The fact is that the novel is ahead of the stage in outspokenness, cynicism and all those allied qualities for which the theater is now threatened with censorship.

The stage follows the novel, and both the novel and the stage probably only echo a world spirit, an impalpable general feeling which shows itself all over the globe in restless questioning and revolt against accepted convention.

No man can say, of course, how much novels, plays and so on have done to create and accelerate the anarchistic tone of the times, but they are certainly only a part of it, an expression of it, and a minor one. The underlying causes are complex and probably beyond man's fathoming.

THE LOST GENERATION

This is a strange era in the history of the human spirit. What will they call it, the future historians? The age of lost ideals, the age of smashed idols? Perhaps no generation ever did so complete a job of shattering its old gods.

Nothing is safe from the attack of the iconoclast from marriage, the family, traditional religion, chastity, democracy, Queen Victoria, George Washington, Darwin, David Belasco and the theory of relativity. Even the

classic Greeks, pleasure-loving and cynical, were touchy about their national heroes and their gods, and a dramatist who spoke disrespectfully of either was likely to find himself thrust into a far country.

Today we permit the halo to be removed with hardly a murmur from George Washington or any saint in heaven.

De-bunking history they call it, and the thing probably has its uses if one understands that there is probably much bunk in this process of de-bunking and that the realistic photograph you get in the end is probably no more genuinely true than the romantic portrait you had in the beginning.

ONLY ONE ITEM

What I am trying to say in all this is that the unpleasantly cynical or the pornographic play is only one item in a vast cosmic phenomenon. Even with respect to that one item we still are, except for the English, the most circumspect and moderate nation in the world, or in that part of the world which shares our peculiar brand of civilization.

There was produced in Vienna two weeks ago a play called *Krankheit der Jugend* (Sickness of Youth) which presents a set of college boys and girls, each of whom is a degenerate of the most revolting type. Every human abnormality figures in this play, together with a black-guardism that turns the hardiest stomach. The piece appears to be a huge success.

Censoring the American stage can only be a gesture. It may be a useful one, but as far as accomplishing any profound good is concerned, it is like putting out an index finger to dam Niagara. Censor the stage, censor the books, censor the tabloid newspapers, censor the trashy magazines, and you still leave the human soul and the spirit of the times about where they were.

Censorship can only add another "Do Not!" to a world that is just now in the process of throwing overboard all its "Do Nots!" You may extract hope from the fact that the world is still human, which is to say that it is still, despite its current aberrations, essentially romantic, conventional and decent.

THE CENSORSHIP DILEMMA *

Like opponents in many arguments, the two sides of the stage censorship hearing at Albany appear to be agreed on many points. Aside from one fundamental cleavage, the only question between those for and against the Jenks bill is one of method. At bottom it is seen that there is one group whose honest views were expressed the other day in the debate on the subject at Mecca Temple. A speaker against censorship said that he would listen peaceably to the other man's plan, but whatever it was he was against it. The group he represents, however, is for the most part too prudent to express those sentiments. The wiser ones feel something in the public temper which bids them find a substitute for a law which will eventually get at them if they do nothing to prevent. They may feel, with Mr. Arthur Hopkins, that it is hard to find anybody who has ever "been hurt by seeing a dirty play," but they suppress that and agree with the professional reformers that the stage must be cleaned up. There remains the exciting question how to do it.

Governor Smith has said that there are enough laws now on the books to keep the stage pure, if only they are enforced. The backers of State censorship speak of "our American ideals," and of "the purity of womanhood, the sanctity of the home and of the marriage relation," but they are vague in connecting these points up with the proposed law. In their ardor for nobility and purity they overlook practical difficulties. Mr. Frank Gillmore of the Actors' Equity pointed out some of the facts. The pres-

* Editorial. *New York Times*. March 11, 1927.

ent scheme of prosecution of undesirable plays has resulted, as always, in attracting public attention and more business to them. A censorship of manuscripts before production is ineffective because of changes which are made during rehearsal. The plan for self-regulation eliminates all these delays and uncertainties. It should be given a fair trial, for the honest labor of men and women who know the theater better than any one else and who are obviously sincere in their attempt to clean it up has gone into it.

Police interference, which is still dragging on here, sufficiently indicates the futility of that brand of censorship. For an example of the one-man censor we may look to London. His latest job has been the suppression of *Gentlemen Prefer Blondes*. At first he ordered certain lines cut, and ended by ordering the whole play banned. What illiterate section of the population does he imagine he is protecting? The book has been a tremendous seller, and its title is a catch phrase in England as much as here. The persons who have not read it or had its salient points related to them are surely not the ones who will seek it out on the stage. What damage it may have done has already been done. Production of the farcical play would add nothing to general information, though it might add to the gayety of another nation.

Between a censorship so absurd in its workings and another which prolongs the life of plays it attacks there is little to choose. A method which works automatically and quickly, as the Ames plan for self-regulation will operate, using Equity as its mainspring, deserves careful consideration and a thoro trial.

NEW YORK STAGE IMPROVED⁶

The moral tone of the stage in New York has distinctly improved since the activity last year of the District Attorney's office in closing *Sex*, *The Virgin Man* and *The*

⁶ *New York Times*. February 19, 1928.

Captive, according to James G. Wallace, Assistant District Attorney, who prosecuted the cases. He spoke at a luncheon of the City Club, where other speakers were Frank Gillmore, Executive Secretary of the Actors' Equity Association; John S. Sumner and Morris Ernst. Mr. Wallace said:

That these convictions were a step upward has been demonstrated by the fact that since then managers and authors concerned have restrained their ardor.

The convictions also had a salutary effect on a great many others connected with the stage. The manager who used to tell an author to "jazz it up!" now cautions him to "tone it down."

Mr. Wallace said that a great many persons were in favor of a preliminary censorship such as that of England, which would pass upon a play before its production, but that he regarded such a system as cumbersome and unneeded. He conceded that the present system was "cumbersome and sometimes ineffective," but questioned whether a better method could be devised. He said that he was "an amateur playwright myself."

Mr. Gillmore laid the blame for dirty plays on audiences who patronize such plays. Whatever topic a writer chose, he should be permitted to present it provided it were written sincerely, he held, but salaciousness for its own sake should be prohibited. The "play jury" system, tried out two years ago, he called "good in theory, but bad in practice."

Mr. Sumner agreed with Mr. Wallace that the present season showed an improvement over past ones in "purity," but insisted that a law empowering some one to ban bad plays was "just as sensible as a pure food law or an anti-narcotic law. It is just as sensible to protect the mind from poison as it is to protect the body," he said.

He called the stage "the residuary legatee" of motion pictures, tabloids and cheap magazines, because, he said, all these provided what he called "thrills" and the

theater was endeavoring to do the same thing. He voiced keen disapproval of all that he considered thrilling.

Morris Ernst, lawyer, who, according to Richard S. Childs, President of the club and toastmaster, insisted on speaking if Mr. Sumner spoke, asked whether any one present had been injured morally through any book, play or picture. If all plays, newspapers and magazines were suppressed, he declared, "human urges and curiosity would still exist." They were only increased by ill-advised censorship, he said.

THE THEATER'S DAY OF GLOOM⁷

What's the matter with the theater? Actors, managers, producers, playwrights, critics and the public that used to patronize the "legitimate," have been studying this problem these many years.

Now the actors and managers have a lot of time for the discussion. Many of them are out of work, or "at liberty" as the theatrical profession so delicately characterizes joblessness.

In all the United States there are now only twenty-six legitimate shows on view. Fifteen of them are in New York. One of these is in trouble with the police, so its immediate prosperity is probably assured. Several of the others are likely to close before these lines are printed. Chicago has only one play this week. Many other big cities, Cleveland included, have none.

The spoken drama is obviously in a bad way. Almost everything has been blamed for it, the war, prohibition, the tariff, talkies, radio, automobiles, high prices of seats.

All may have a share in the blame. It is quite apparent that thousands who once went to the theater with a degree of regularity have changed their amusement habits. Years ago the one-night stands of the smaller cities virtually passed out. Now the week stands of the bigger

⁷ Editorial. *Cleveland Plain Dealer*. July 20, 1930.

centers of population are becoming fewer and fewer and many metropolitan playhouses are dark the year around.

Will better plays at lower prices fill the legitimate theaters again? Or has the old time theater-supporting public been permanently reduced? Many producers are going to spend a lot of money seeking the answer to these questions. They may solve the problem and win success or they may lose the rest of their money. Somehow one show to every 5,000,000 Americans seems a pretty thin dramatic diet even in a summer of general business depression.

BRIEF EXCERPTS

The stage is good or evil according to the use to which it is put.—*Outlook*. 135:619. December 12, 1923.

The Puritan horror of the theatre is nearly gone.—*Edward A. Ross. Principles of Sociology*. p. 616.

Censorship clips the theatre's wings.—*Ferenc Molnar. Cleveland Plain Dealer*. February 19, 1928.

Censorship is purely political in origin. It is a power over the licensing of plays granted to an official.—*Living Age*. 255:632. December 7, 1907.

Not all of England by any means likes its British censorship of the stage.—*Oswald G. Villard. Atlantic Monthly*. 137:398. March 1926.

Vulgar shows are not justified because they are patronized.—*Erman J. Ridgway. Everybody's Magazine*. 25:575. October 1911.

There is no consensus of opinion as to whether the censorship [of plays in England] should be abolished or retained.—*Spectator*. 135:262. August 15, 1925.

Never before in the history of the American theatre has so much criticism been directed against the stage.—*Theatre Magazine*. 44:32. August 1926.

The theatre is a need of all nations, of all races, of all beings. One must love the theatre.—*Sarah Bernhardt. Current Literature*. 34:174. February 1903.

At the theatre alone the higher ranks mix with the middle and the lower classes.—*Alexis de Tocqueville. Democracy in America*. vol. 2. p. 84.

Vulgar entertainments there will always be so long as there are people of vulgar tastes to be catered to.—*William Archer. Critic*. 37:59. July 1900.

Supreme Court Justice Mahoney has upheld a police ban on *The Captive*, raided Broadway play.—*Cleveland Plain Dealer*. March 10, 1927.

Stage censorship was inaugurated [in Boston] in 1904 by local ordinance.—*Boston Evening Transcript*. September 21, 1929.

Play censorship in Philadelphia is achieved thru a committee appointed by the mayor.—*Samson Raphaelson. Nation*. 128:397. April 3, 1929.

The theater lends itself readily to the demonstrations of the disaffected as well as to the indecorum of the depraved.—*Francis Gribble. Living Age*. 308:49. January 1, 1921.

No state [in the American Union] has ever created a political board of censors to oversee the spoken drama or gag the actors who appear in person.—*Editorial. Cleveland Plain Dealer*. February 19, 1929.

One judge declared that he did not dare to go to the theatre today because of the difficulty in selecting clean plays.—*Editorial. Missionary Review of the World.* 47:11. January 1924.

I doubt very much whether the large majority of play goers were aware until this inquiry took place that there was a censor.—*George Alexander. Report of the Joint Select Committee.* p. 238.

I have been a play goer since I was a boy, and I have never seen an indecent play upon the English stage.—*Sir Arthur Pinero. Report of the Joint Select Committee.* p. 337.

Out of 7,000 plays [presented to the censor in England] forty-three only have been dealt with and thirty only have been forbidden.—*William F. Fladgate. Report of the Joint Select Committee.* 1909. p. 56.

The case of a man who declared that he could live neither with his wife nor without her probably represents with rough accuracy the normal attitude of most people in most countries toward the censorship of plays.—*Francis Gribble. Living Age.* 308:48. January 1, 1921.

There must always be somebody, of course, to decide whether a play offends morals too flagrantly to be permitted or not, and it is better to leave it to the police than to any individual.—*Harper's Weekly.* 58:25. November 15, 1913.

Making fun of the censor is one of the easiest things in the world, and laying down simple rules by which to draw a sharp line between propriety and impropriety on the stage or anywhere else is one of the hardest.—*Christian Century.* 44:39. January 13, 1927.

The only ground upon which censorship as a government agency in this country can stand is the ground upon which education and the care of the dependent and defective classes is based.—*Thomas H. Dickinson. Drama.* 18:249. *May* 1915.

The stage [in England] has improved since that time [1890] but this is not due to the censor, who is still occasionally useful as a protector of impropriety, but a change in the public taste.—*Israel Zangwill. Report of the Joint Select Committee.* p. 325.

Theatrical censorship in Austria, which has existed since 1850, is illegal and must be abolished, the Supreme Court of Justice has decided. In the future a play may be ordered removed only after proof of violation of the penal code.—*New York Times. April* 5, 1926.

The Theatre Guild today abandoned Boston to its morals and announced that Eugene O'Neill's *Strange Interlude* would open next Monday in the city of Quincy, seven miles south of the State House dome.—*New York Times. September* 25, 1929.

I do not hold that the acts of the [dramatic] censorship [in England] have been invariably above criticism, but the office is one of very great difficulty. It is impossible to guarantee that a censor should always be intelligent. There ought to be an appeal.—*Sir Herbert Tree. Graphic.* 80:292. *September* 4, 1909.

The stage is a most valuable ally of civilization. It can also become a very real danger. Power for good is also power for evil. In the hands of vicious men the stage can undermine character, corrupt youth, and degrade the name of art.—*Editorial. Outlook.* 139:358. *March* 11, 1925.

The State has a right to exercise an authority over what shall be presented upon vast public stages before large numbers of people who have come there to be amused. I think it has a right to exercise that power before the event.—*G. K. Chesterton. Report of the Joint Select Committee.* p. 344.

Creation of a state bureau to bar from the speaking stage all productions that overstep the bounds of decency or good taste is authorized in two bills introduced in the House [of the Illinois legislature] today by Representative E. A. W. Johnson of Chicago.—*Cleveland Plain Dealer.* March 10, 1927.

If the newspapers and theatres are indecent it is because readers and audiences are eager to pay for indecencies, or are tolerant to them. Indecency is profitable because it is desired by many and not sufficiently condemned by a robust and wholesome public sentiment.—*New York Law Review.* 5:87. March 1927.

Now that autocracy seems to have given way to something like distributed responsibility, there is more of a movement toward censorship than there has been for years before. During the last few years the theory and practice of censorship in a democracy have grown with startling vigor.—*Thomas H. Dickinson. Drama.* 18:248. May 1915.

One of the great dangers of the stage is the danger of triviality and shallowness, of its being that that being only a recreation and so on, it does not very much matter what is done. I should like to see the stage take what is its true historical part, a part which contributes a very great deal to the common life.—*Lord Bishop of Southwark. Report of the Joint Select Committee.* p. 299.

Cleaning up under the present law is more readily urged than accomplished. The main difficulty attending prosecutions in the past has been that there is not and cannot be any definite and universally accepted standard by which may be decided what is decent and clean, and what is indecent and obscene.—*New York Law Review*. 5:86. March 1927.

We must not, in spite of earnest and intelligent efforts on the part of the Police Commissioner and our prosecuting officers, expect too prompt a purification of our theatres. Police raids at theatres and the arrest of producers, dancers, and members of the ensemble are at most a temporary palliative.—*New York Law Review*. 5:88. March 1927.

I have often heard people deny the moral influence of the theatre, but I find it undeniable. This influence has existed from all time, and never, in my opinion, has it been anything but beneficial. We all know that a single illustration is worth more than a hundred axioms, and if only from this point of view, the theatre is a potent school of morality.—*Sarah Bernhardt. Review of Reviews*. 27:235. February 1903.

A jury in general sessions court [in New York city] this afternoon found guilty the twenty-two individuals and one corporation charged with presenting in the play *Sex* a production tending to corrupt the morals of youth. The law provides not less than ten days nor more than a year in jail, or not less than \$50 nor more than \$1000 fine, or both as punishment for each of them.—*Cleveland Plain Dealer*. April 6, 1927.

Officials here [Jackson, Mich.] today waited the next move on the part of George E. Wintz, manager of the Music Box Review, who was arrested yesterday on

charges that he had allowed and caused a girl of his company to appear on the stage improperly clad. Wintz and seventeen members of his company were released on bond last night.—*Cleveland Plain Dealer*. March 10, 1927.

It is perfectly true that the stage has often lent itself, I will not say to the demoralization of the public, but to things which I think none of us would altogether approve. This, however, I think has been due more to the fact that it not only holds up the mirror to nature, but that the stage is a mirror in which the public itself is reflected. And the public itself is to blame if the stage is ever degraded.—*James Russell Lowell. Modern Eloquence*. vol. 2. p. 748.

In the present public temper, stirred by professional believers in a dramatic censorship, there is real and increasing danger of headlong and foolish action which might take a long time to undo. There is a general feeling that something has to be done. Even the producers, who perhaps believe privately that nobody's morals were ever injured by the sight of a salacious play, are publicly in favor of action looking toward supervision of the stage.—*Editorial. New York Times*. February 4, 1927.

One of the most beautiful conceptions of human genius is the discovery of the theatre, the sweet and beautiful game of dreaming while awake, the artificial and dirigible dream. Before the eyes of the people sitting in the auditorium there opens a curtain, and beyond that curtain there is revealed a world to which nothing is impossible, where freedom of thought, of spirit, of fantasy is eternal and infinite.—*Ferenc Molnar. Cleveland Plain Dealer*. February 19, 1928.

In modern times the theatre has claimed for itself the same degree of freedom in presenting its ideas that is given to the pulpit and the press. It resents anything

that savors of censorship and asks to be let alone, and thus be the judge of its own morality and sense of decency. As a matter of fact it has more liberty than is given to the press. Not a few plays and farces are presented, the books of which no newspaper would dare to print.—*William McAdoo. When the Court Takes A Recess.* p. 134.

As the law now stands and in its practical working in the city [of New York], the police commissioner in addition to other great responsibilities has to some extent the power of a censor of plays and exhibitions. Latterly the present commissioner has adopted somewhat the same plan as the Lord Chamberlain—that is, appointed a committee to whom he refers these matters. This committee consists of the chief inspector and two of the honorary deputies.—*William McAdoo. When the Court Takes a Recess.* p. 154.

Clarence Darrow lost his fight to restore *The Captive* to the theatrical boards in Detroit yesterday, when the injunction to block police interference was denied. Circuit Judge M. P. Murphy declared the play “invariably immoral and obscene” in his decision. Nathan Goldstick, assistant corporation counsel representing the State, defined the functions of the stage in his argument to the court, saying “it is a place of amusement and not a clinical laboratory for the study of the licentious.” *The Captive* will return to Cleveland Sunday to play at the Alhambra Theatre for two weeks.—*Cleveland Plain Dealer.* June 22, 1928.

At present in one most important respect the stage is not a mirror of life, but a distortion of it. You take your place in a theatre, and before the curtain rises you know you are about to be introduced to, and made intimate with, the lives and habits of, say, an English family; but you may almost take it for granted that you will find

that the most interesting members of the group are busily engaged in qualifying themselves for the divorce court. We are not as black as we are painted by the dramatists. If it is admitted that the problems arising out of the sexual relation are fit matter for the drama, there ought to be some sense of proportion in the treatment of them. You are not true to the known facts when you habitually treat adultery as if it were the main interest in life. And it is a mischievous falsehood, for this reason, that it seems to lend to vice the prestige of fashion, and the palliation of the example of the rich.—*John George Sneed-Cox. Report of the Joint Select Committee.* p. 304-5.

I have become so convinced of the ineffectuality of the proceedings under the law and the circumstantial environment, and having regard to the considerable minority of people who like these things and want to read them, that I have given it up as hopeless, under existing circumstances, to punish these people who write or produce these plays and books that make, and are intended to make, an appeal to base and lascivious minds and to bring marriage and married into ridicule and contempt. If you attack such a play or a book now you only advertise it for the class of people who want just that sort of thing. In the last few days I was asked to begin what would have turned out to be a long dilatory proceeding against a play, and I am convinced that the theatre people themselves were behind the movement to advertise their thoroly nasty, rotten production. The only way to deal with the play which comes under the statute is to issue a warrant, if the complaint justifies it, and then have the police do their duty in closing the theatre, treating it as a common nuisance.—*William McAdoo. New York Times. March 13, 1923.*

What has happened before in cases of police censorship of the stage is happening again. By its very methods the prosecution defeats its own purposes. If, instead of

desiring to suppress the three plays raided, a device had been sought for spreading the news of their wickedness, for increasing their attendance and enriching their producers, a better plan could hardly have been found. The raids made many people curious about plays of which they might otherwise never have heard. Then injunctions against further interferences with the performances were obtained, so that while legal tangles were knotted up and slowly straightened out public curiosity might be gratified, to the joy of the box office. When certain of the victims of the present censorship speak frankly of their tribulations, they are bound to admit that they enjoy their increased prosperity. Even if they are eventually found guilty of maintaining a public nuisance and giving indecent performances, they will soon be able to open up again with similar profitable nuisances. Putting aside the broadcasting of details about plays which are not worth mentioning, one must consider that the chief defect of police censorship of the theatre is its sporadic nature. A sane, wise, well-informed and continuous control cannot come from sudden bursts of interest.—*Editorial. New York Times. February 19, 1927.*

Only twenty-six plays and musical comedies are on view in the whole United States tonight. Chicago, for the first time in ninety-eight years, has only one play this week and New York has only fifteen, establishing this as the dullest July Broadway has seen since the World War summer of 1917. Distributed about the rest of the country are ten more shows, according to producers' records. Included in the ten are two musical tabloids, five stock productions and one minstrel show. The annual survey made by Actors Equity Association July 19, considered the dullest day in the whole year in New York, will reveal the lowest number of productions ever listed by Equity, whose records run back to 1922. At this time a year ago Broadway had twenty-five productions, but six of them had been closed by July 19 when the Equity sur-

vey was made. On July 29 in 1925 and 1926 there were thirty shows playing New York. Three of New York's fifteen shows are hits. The others are doing enough business so that they will probably last through the summer. London, with sixteen shows, is also complaining about the dullest theatrical summer in years, but it is unusual for London to have more shows than New York.
—*Cleveland Plain Dealer*. July 17, 1930.

AFFIRMATIVE DISCUSSION

CENSORSHIP AND ART¹

In New York we are passing thru our annual spasm of cleaning up the stage. Things had been going from worse to worst until finally nothing was left undis- cussed in our plays, nothing left unrevealed in action, and in some of the revues clothes were utterly discarded. Things have been coming to a head for several years. Three years ago the district attorney began receiving complaints about some glaringly indecent plays that were drawing great crowds on Broadway. He proceeded to take action against them but no witnesses turned up and he could do nothing. There seems to be no way by which any official in the city can stop a play except that the mayor can send a policeman to see it and if he thinks it violates the laws of decency he can hale the producers and actors before a criminal magistrate. At that time the district attorney suggested the creation of a play jury which should visit all opening plays and report upon them. A score of people were put on this jury, representing every walk of life, and eight or ten would be chosen for a particular play. They had no official power, but they could furnish evidence for prosecution. This plan accom- plished nothing for two reasons: first, the jury could never agree whether a play they saw was indecent or not; second, most of the jury-members lost interest in a few months. The jury had a restraining influence for a while and then disappeared from the scene of action.

This winter, the producers were suddenly frightened when a bill was introduced at Albany, providing for an official censor such as London enjoys, to whom every

¹ By Frederick Lynch. *Christian Century.* 44:297-8. March 10, 1927.

manuscript should be submitted before public performance, and who should have absolute power to grant or refuse licenses for performances. Mr. Winthrop Ames, a well-known producer, immediately called his confrères together to discuss the possibility of the producers and managers themselves cleaning up the stage and proceeding to revive the play jury system, only on a smaller scale and composed of experts from among the drama-writers, critics and actors themselves. Whatever they condemned, "Equity," the powerful actors' union, would see was taken off the stage. Just while these debates were in progress—the Shuberts meantime having dropped out of the negotiations—some plays so disgusted even the thick-skinned New Yorkers that complaints were made to the mayor about them with demands that they be stopped.

The mayor proceeded to take action in the only way he could, by sending police with power to arrest if they thought the plays were indecent enough to warrant it. The police proceeded to visit the three plays of which complaints had been made. Everybody knew that two of them were as nasty as nastiness could be but the police must visit them. These were *Sex*, whose very name is enough to indicate what its discussions are concerned with, and *The Virgin Man*, a detailed picture of the seduction of a young college boy. There is no art about either and the appeal is purely in their boldness. The third play, *The Captive*, has been one of the most discussed plays of the season. It is a French play, with dramatic power and rising above vulgarities and platitudes in its lines—something few American plays seem to succeed in doing. It is subtle and is probably not understood by half the people who go to see it, for it deals with a subject that is not mentioned in polite society and which makes normal people shudder—homosexuality. The French are in the habit of discussing everything; the American is not, and the indictment of this play was on the grounds that it was revealing to a

lot of young people a disgusting and abnormal phase of life of which they might never hear.

The police visited these three plays, were sufficiently shocked, arrested managers and actors, considerably carried them in taxicabs instead of the patrol wagon used for ordinary prisoners, before a magistrate, who arranged for a hearing the next day, considerably fixed a low bail and wished them all good-night. The culprits were then informed that if they attempted to go on with the play they would be arrested every time they played it, whereupon their lawyers hired fast cars and went from judge to judge until they got an injunction against such interference. *The Virgin Man* and *The Captive* were eventually taken off, but *Sex* has been going merrily on, playing to capacity houses, meanwhile gaining several thousand dollars' worth of advertising in the process.

This whole proceeding is an illustration of how farcical it is to try to deal with the theater under any present law. In the first place, every official in New York—or any other city, for that matter—is always balked in his attempt to stop crime by judges who will give injunctions and so nullify all attempts to clean up the city. The mayor and prosecuting attorney were markedly discouraged by this injunction, for it was evident that they had frightened the producers and a wholesome effect would have been felt thruout the theaters.

Another thing that makes any endeavor of this sort fruitless is that the companies appeal the case and demand trial before special sessions several months hence, meantime going on every night without anyone being able to interfere with the performances for which they were arrested.

Everybody feels the hopelessness of the situation. Play juries will not meet the situation; the producers and managers will not do anything so long as judges can be found who will give injunctions, and so long as trials can be postponed for several weeks or months. Then

there are always appeals. Earl Carroll's disgusting case is still on its long journey from one appeal to another, and altho the proprietor of *Vanities* was convicted of perjury, nobody ever expects anything will happen to him, while his show got hundreds of thousands of dollars worth of advertising. So there is no hope from the courts.

The interesting thing now is that many who have dreaded the official censor are beginning to turn to that solution, and I have a feeling that unless the producers and managers themselves institute at once a sweeping reform, the censor will surely come. Cosmo Hamilton, the English novelist and playwright, now living in New York, and others, have been writing letters to the papers urging the English system. The producers dread it, but they are bringing it upon themselves. Perhaps a theater which, like the New York theater, is not interested in art, but in money, and most of whose managers do not know any more about art than does a longshoreman, will have to be put under rigid supervision. That has its risks. It will be difficult to find a censor big enough to judge always just what is pure salaciousness and what is really art; what is vice lugged in to thrill the prurient and what is sin that is an essential part of tragic experience and no more to be deleted from drama than virtue. How difficult his task would be can be realized when one remembers that no decision of any play jury, if I am not mistaken, has ever been unanimous. Furthermore it can easily become a political appointment and the most incompetent man in the world put in an office which ought to have the most competent. Then, too, a censor will be subject to terrible temptations, for the producers might offer him huge sums to pass their plays. But many see no other way out. The decent people are getting stirred up on the situation and have had about all they can stand of it.

One suggestion that is receiving considerable attention is that the state appoint a board of three censors who

shall have oversight of public morals in general—the theater, the revues, the moving pictures, the books and magazines. Three censors, coming from varied walks of life, might come to fairly just conclusions. In this connection it has been suggested that where the censors were in doubt as to the licensing of a play they could invite two or three hundred people of all stations in life to witness a dress rehearsal of a play or hear a reading of it by actors and vote upon it, rendering an advisory opinion that might help the censors in coming to an opinion. It is also interesting to note that there is some talk now of a censor for the daily press. During the nauseous Browning trial, some of the tabloid papers published such disgusting pictures of scenes related in the court rooms as having taken place in the Browning household that several towns forbade their sale on the newsstands. As an offset to this, it is good to remember that several daily papers announced on their front pages that they were not going to report the trial, refusing to besmirch their pages with such filth. The great morning dailies of New York exercised commendable reserve in their reports, much to their credit, for there is a great public that loves garbage.

IN THE NAME OF ART²

Of late years a few managers have cast discredit and suspicion on the stage in this (New York) city by gross indecencies in the undressing of women on the stage in so-called bedroom farces. These plays of disrobing, and very suggestive retirements in bedrooms by women, having become, as it were, overdone, especially in the drawing power for audiences, of late they have taken to undressing men in bedrooms and women in stables and rolling them in haymows with only the slightest portion of their persons covered; and if it were not for the law I am quite sure some of these people would not hesitate to

² By William McAdoo. *When the Court Takes a Recess.* p. 155-62.

produce a play giving an exhibition of entire nudity, and carry the scenes and language to any limit.

It would be manifestly unfair to condemn all New York theatres on account of exceptions, and to arraign a profession of far-reaching influence for instruction and amusement on account of the baseness and greed of a few. Left to themselves they would bring the profession of acting back to what it was when actors were classed as rogues and vagabonds, and authors vied with one another in shameless indecencies of plot and word. No matter what they say about art, the real test with such people is the amount of money received at the box office. Now, it is quite true that the majority of the people who go to see these plays want that sort of thing, and equally true that there are sufficient of them to keep such theatres going; yet on the other hand among this mass of people are the unwary, decent people of all ages and both sexes, who following the rather loose and vague statement in advertisements that the play is funny, go there in considerable numbers.

In a letter written by me a short time ago to a theatre manager with reference to a play against which a complaint had been made, I said:

You may say in reply, that the public wants such farces and comedies, and point to a well-filled theatre. Why, certainly, your theatre is well filled, as so would all the theatres in New York, including Madison Square Garden and the Hippodrome, be filled with thousands of narcotic addicts if the law permitted one to cater to their diseased appetites by furnishing them with the drug and the facilities for taking it, and it would be an immensely profitable business. Because certain persons want to feed morbid minds and diseased bodies with poison is one of the reasons why the law is as it is in order to save these people from themselves. Out of the great population of this city there will always be a percentage of perverted minds with lascivious inclinations and a low order of intelligence, and without ideals or principles, who will readily furnish an audience for such plays, not to speak of the immense number of out of town visitors who crowd the theatres. But that is no reason why they should be permitted brazenly to offend the moral sentiments of decent, clean-living people who are overwhelmingly in the majority.

There are certain farces to which it would be an outrage to take a decent young girl, or allow her to go there, not to speak of the young man. They have no proper warning about these performances. They read that they are a bit vulgar, but they are entertaining, and that the play is laughable but coarse. These notices contain no specific warning. They are told that it is funny, that the acting is admirable, and being ambitious to be considered men and women of the world, and not finicky and puritanical, and good sports, and of being able to boast of seeing such plays, they go there in considerable numbers. Sometimes you will see foolish parents take the whole family to witness this kind of play.

The diagnosis of a moralist is not needed to imagine the effects which frequent attendance on these plays with the approval of parents and guardians must create. It is an old and a trite quotation, but it is especially applicable to these performances :

Vice is a monster of so frightful mien
As to be hated needs but to be seen,
Yet seen too oft, familiar with her face,
We first endure, then pity, then embrace.

And this is particularly so when the mind is young and impressionable.

Shall we have an official censor of plays, either by way of a commission or an individual, as in the case of moving pictures? There is a strong general opinion against censorship. It smacks of autocracy and tyranny, especially in connection with subjects where people so largely differ as upon questions of morality and decency. It meets at once the bitter opposition of those who prate about art for art's sake, when really they are prostituting art for profit's sake. It seems to impinge on personal liberty and make the stage less free than the press, which, as I said before, is far from the fact, the stage being allowed a freedom much beyond that of the press. I make bold to suggest that as the invariable custom at present is to make complaint to the police

commissioner, he is at perfect liberty under the law to take advice from a committee appointed by himself, and ask them to witness the play and give him their opinion as to whether or not it comes within the law. Such a committee should, I think, have representatives of the theatre and the legal profession as well as clerics and laymen, but not be quite so large as that suggested by Mr. Chesterton, who said he thought a body something about the size of the London County Council would be the proper limit.

I think on the English committee there are two playwright-managers, men of international reputation, who conduct clean theatres, in other words a committee whose findings would be entitled to respect from the fact that it was composed of men of good intelligence, if not of culture, men of experience in the questions involved, not unreasonable, morally in accord with the standards of morality upon which society is founded. Such a committee might ask itself whether or not it is conducive to the public welfare to permit illegal and offensive plays, which make marriage and the family tie a matter of farce and joke, and in which free love and promiscuity of sex are displayed, and every appeal made to lust and licence.

I do not consider a play dealing seriously with social subjects in any wise so objectionable, illegal, offensive, indecent, or tending to corrupt public or private morals as some farces which are now running upon the boards of this city. After all, as Mr. Shaw says, he is seriously attacking conventional morality, because he believes it is immoral. His mode of attacking may of itself be offensively illegal, but he has a serious object in view. He is trying, so he says, to preach a lesson with wit, invective, sarcasm, which lesson may be one against the standards of decency and morality as laid down in the law. We have gotten far beyond the worst Mr. Shaw has done or can do.

Shall we look at these plays solely from the stand-point of the playwright, the managers, and the actors? We hear a great deal of the trite phrases, "checking the works of genius," "repressing the artistry of the stage." It is quite true that art when directed to noble ends and an elevated idealism has been one of the most potent influences in molding civilization. But on the other hand, in the history of the world we have seen art appealing to everything which is gross and base, and note that when it was at its very zenith in Greece and Rome the morals of the people were most decadent. Cruelty and lust and disregard of human life, with women reduced to chattels, were predominant features of those times. Amid the glories of Roman architecture and statuary men for the amusement of rulers fought with wild beasts, cruel injustice and tyranny abounded, and the vast majority of mankind were reduced to a position below that of domestic animals in our day. Poetry and oratory were of the highest order; great numbers of people did nothing other than attend the numerous theatres and shows; gods and goddesses were patrons and protectors of the obscene and base.

Are the producers of such plays as mentioned here, in the name of art and a licentious freedom, to lead the way back to the grossness, baseness, lust, lechery, and decadence of old pagan culture? Will the managers who produce serious and purposeful plays, or those which intelligently amuse, allow this foul growth to overshadow and poison the whole theatrical world? The laws of this state deal severely with anyone corrupting the morals of a child under sixteen years of age. What about an agency that corrupts the morals of young people, not to speak of old people, without regard to age, and does so in a wholesale way?

Scholars and travelers have judged the civilization and morals of countries by their pastimes and amusements, and especially the plays of their stage. How vividly the manners and morals of the upper classes in

England are shown in the plays of the Restoration, Charles II; in the coarse eroticism in the stories of the Eastern countries; in the gloomy pessimism, decadent morals, and utter hopelessness of much of the literature of Northern Europe in our times. Happily for us, these plays are not the predominant features of the modern stage, altho all too common. Decent and clean plays enjoy unusually long runs, and in the end must be more of a monetary success than this deliberate catering to everything that is indecent and revolting, which makes managers not producers, but panderers.

THE CAUSES OF CENSORSHIP *

Tendencies that have been apparent on the New York stage for several years are working toward their logical conclusion—censorship. It is useless for managers to insist that some of this season's plays are being produced in the name of art and realism. There is more than a suspicion that their only reason for being is a thirst for the quick dollar—and that is always the shortsighted dollar. From the purely commercial standpoint, and these managers are purely commercial, they are losing many and much larger future dollars and preparing the way for the imposition of a handicap on the legitimate stage. For these indecent plays will just as surely lead to censorship as the saloon and the abuses that grew up around it led to prohibition. These commercial managers overlook one of the lessons of stage history. Glance over the list of big commercial and artistic successes, the plays that have come down from year to year and even from generation to generation. They are not plays that have depended on salacious situations or dirty dialogue. The big successes have been clean plays.

The dirty play is often a temporary money-maker for the author and the producer. All that is needed is a hint of police interference or a ministerial resolution of condemnation and the queues promptly form in front

* Editorial. *Saturday Evening Post.* 197:30. March 21, 1925.

of the box office. But the lure of the salacious is not lasting. None of the pornographic productions has enjoyed a run, even in the present day of extreme latitude, to compare with the runs of the clean plays. They seldom get on the road and they are never revived. The reason is that people do not go back to see a rough show. They may take it in once and, if they happen to be that kind, retail the malodorous lines with gusto, but they never feel any desire to sit thru the same performance twice. And the great American public, the public on which the theater must depend for its continued support, will not sit thru it once.

The fact of the matter is that the public taste is pretty sound. Like a swift running river, it tends to purify itself and to cast off the unclean and the diseased in books, in poetry, and in art. But whenever really virulent germs begin to appear in that stream, the public is apt to resort to strong measures in an effort to purify it. If the theater wants censorship it is making a bid for it that is bound to succeed. But if it wants to continue as a factor and an influence in American life it will rid itself of its **dramas of dirt** that are produced in the name of realism and of its spectacles of nude women that are produced in the name of art. Nor does this mean that the heroines of our plays must be Pollyannas and the heroes Little Lord Fauntleroys, or that the chorus must wear flannel petticoats. The public knows just what is the intention in a play, and so does its producer. The line between realism and dirt, pandering and art, is not hard to find. If the managers keep on stepping too far over the line, censorship will in the end push them far back of it.

THE MORAL DECAY OF THE MODERN STAGE *

To preserve the nation, its foundation must rest upon true domestic life and a higher and more equal public

* By William Burgess, Director of the Illinois Vigilance Association. *Proceedings of the National Conference of Social Work.* 1919: 502-6.

conscience. It must resist the decay which has always marked the downfall of ancient nations and must learn to respect and observe the law that "whatsoever a (nation) sows that shall it also reap." Whatever destroys home life, whatever poisons the womb of human generation, or depraves the rising and coming life of the race is treason and destruction against the nation.

As, in the interests of gain, human appetites and passions have been exploited by commercial greed, so the equally important and extremely sensitive elements of play or amusements have become fields of conscienceless exploitation. "Play is one-quarter of life," says Dr. Richard C. Cabot. But, since we are emancipating labor from its drudgery and slavery, the masses of our people have a good one-third of their life for recreation, amusement and play. No single agency needs directing with more care than those which trade upon the amusements of the people. It reaches all classes—young and old—in their most responsive and susceptible moods and circumstances. Nor is there any interest which can be directed for good or evil with greater facility. All the best and all the worst in human thought, imagination, and passion are wide open to the influences of play and the suggestions of amusement. The best in a child may thus be developed or the worst, in youth or adult life, finds in them suggestion, temptation and seduction. We are familiar with the demoralizing effects of commercial gambling, dance-halls, horse-racing, pool-rooms and pugilism.

In Chicago we have made investigations which reveal conditions of the theatrical stage of increasingly vile character. Evidence was given and published by the vice commission of Chicago that many of the theaters were schools of degeneracy. I quote from that report:

The investigations of dance halls, cheap theaters, amusement parks and lake steamers show that these places are surrounded by vicious dangers and temptations which result in sending many young girls into lives of immorality, professional, and clandestine.

The immoral influences back of the stage are very bad. I know of one case where two girls and two fellows simply shut the doors of one of the dressing rooms, and stayed there for a long while, and step by step the downfall of the girls was brought about.

Many theaters have little dressing rooms, and many of the girls stay there over night. Many girls sell themselves in order to get on the stage before the public. Then they find they can make easy money. Their one idea is to get before the public. I think it is one of the worst things ever invented.

Our recent investigations show that the modern theatrical stage is set for hell. With a few worthy and notable exceptions of legitimate drama, the stage now reeks with moral filth and sensual exhibits. Art, music, beauty, dress, gross and grotesque ugliness are all woven into scandalous revels of diabolic movements—libels upon the very name of dance or ballet.

Only a few years ago the Parisian can-can was tabooed and the so-called burlesque was the resort only of men whose baser desires found response there, and a few women whose character was only too well understood.

Now, no hug-step or wriggling monstrosity is too vile for the stage of so-called burlesque vaudeville. Chorus girls parade the stage, down the aisles and on platforms, over the heads of men in their seats. The chief attraction, not only of this class of shows, but of many of the more expensive-priced theaters is, not the sprinkling of really clever and worthy acts one finds on the program, but displays of fleshly debauch of semi-nudeness, more repulsively lewd than the naked form can ever be and these are employed chiefly as setting, for sensual song, filthy story, dialogue, or action, all of which it is libel to call "comedy."

Evidence taken from private interviewers and secret investigation shows that for foulness of suggestion, for display of downright vice, for intimate relation with forms of sex perversion, for participation in unspeakable vices of stage managers and employes, for chorus-girl slavery (despicable and cruel as anything in the records of white slavery itself) nothing can exceed this testimony. If pub-

lished as evidence, for appeal or for courts of justice, like the reports of vice commissions, much of it must appear in cipher.

Not only are the conditions becoming more and more suggestive and indecent, but they are multiplying and becoming the accepted substitute for the legitimate drama and decent amusement in hundreds of theaters.

In Chicago, for instance, there were in the center of the city three "burlesque theaters which were well known as disreputable places where no decent men and no women attended, except a few whose unfortunate character was taken for granted.

Now these are everywhere. Wherever a new residence district opens up, some speculative manager starts a show of this character. By actual count one of our investigators—a woman of intelligence—reports twenty-three large houses of this character in Chicago with two performances daily and a total seating capacity of 36,500. The matinees are largely attended by women and young girls, not infrequently mothers with little children.

The utmost audacity of immoral display is often seen in what are regarded as the best theaters. The investigator already alluded to says:

Some of the so-called best people in the profession are using the shimmy shake in song, dance and pantomime. Barefoot dancing with naked limbs being shown through transparent nets, abbreviated skirts with flesh colored tights emphasizing the form and contour of the body by effective colored lights, are all a part of the nefarious business which escapes the ban under the guise of art.

The Passing Show appeals to the baser desire of the sexes. Even the advertising is full of nasty, dirty, ugly meaning. Posters of women partly in the nude, with boldly displayed titles such as *Twin Beds*, *The Virgin Widow* and *French Frolics*, are placed in every conceivable space where they will attract men, young and old. Very often the programs in the higher grade houses contain advertising that carries a double meaning.

These conditions are not peculiar to Chicago or New York. The class of theater known as burlesque is furnished by circuits of troupes or companies. There are fifty of these troupes traveling all over the country.

They consist of two, three or more comedians, one or two vaudeville stunts, and a score or more of chorus girls of varied ages from about 16 to 60. Their performances, songs, dances and dialogues are usually attended with vulgar and obscene suggestions. They make fun of drunkenness and gambling—exhibit the tricks of robbery as cute, smart and commendable; cheating at cards is shown as a mild amusement; plunder and robbery as bravery and profitable; and their heroes are highwaymen or bank robbers and the man who cannot flourish a gun is the coward.

We in America have spent millions of dollars during the last two years to protect the boys of the American army and navy against the seductions and evil consequences of resorts of drink and vice; we have kept the soldier and sailor away from haunts of sin and have driven the tempter from the zone of the camps. But now, as they are returning we throw upon them these vile seductive theaters—each with a group of chorus girls who publicly proclaim their own shame and whose managers often openly and deliberately call attention to the seductive features and half-naked forms of these girls as qualities for an open market.

CENSORSHIP NECESSARY⁵

Why do you consider that any censorship is necessary? I think that that is simply due to the fact that there is a difference in the actual form and presentation of the arts. Everybody who discusses this matter is always supposing that the arts are to be compared at all points and in every way, but I think that that is a fallacy. All the arts are similar in the fact that they have a fundamental intellectual principle which is the same. I mean to say, that harmony is aimed at by a person sketching with chalks on brown paper, and is also aimed at by a person playing the trombone. But it is not true about civic relations and the

⁵ By G. K. Chesterton. *Report of the Joint Select Committee on Stage Plays.* 1909. p. 344-5.

responsibilities of a citizen. It is not true that it is the same thing to me whether my next door neighbor is sketching with chalks on brown paper or playing on a trombone, and it seems to me that the moment you pretend that the arts are similar in their civic character and in their political character, you make a big mistake.

If a person has an enormous building, which is practically considered to be as hospitable as Westminster Abbey or Trafalgar Square, and enormous numbers of people crowd into that expecting to see a play, then I think you have a right to demand a slightly more severe consideration of the young person, as she has been called. I do not know why she should be referred to so contemptuously in all this discussion. She is the virgin of all Christian history, about whom so many poems have been written. But anyhow, whatever she is, I think you have a right to demand that anything that is acted in something corresponding to Trafalgar Square should be under somewhat more severe limitations than a book. After all, you read two or three pages of a book, and come to the conclusion that you do not like it. You shut it up, and you throw it into the dustbin—at least, that is what I do with most modern books.

But if you are wedged in in a great theatre, it is by no means the same thing. The thing is public in its nature. You have called a great crowd together. They cannot separate easily, and if it be considered, as I think it is, that you may in the pursuance of a perfectly sincere ideal subject them to certain horrible pains or a sense of ignominy, I think it is reasonable to say that there should be some kind of superintendence beforehand.

I think that what makes the difference between the drama and all other kinds of art is that you crowd a mass of people together, not as you would crowd them in the streets, but as you would crowd them in a prison, in such manner that it is humiliating for anybody to make any protest. It is at least embarrassing. Therefore, I do think that the State has a right to exercise an authority

over what should be presented upon the vast public stages before large numbers of people who have come there to be amused. I think it has a right to exercise that power before the event.

The audience is helpless and needs the protection of the censor. It has lost the power of protest that it used to have. If we could throw onions, or if we could throw eggs, I would be all there, but that excellent custom has unfortunately fallen into desuetude.

Let us get rid, for the moment, of this appalling question of sex, and deal with the practical fact. Suppose something of the same kind, but of another sort. Suppose that a man, in the sincere fulness of his desire to denounce some oppression such as the Russian oppression, or what is far worse, the Irish oppression, should exhibit before the world somebody being tortured, or somebody being flogged in one of our own prisons, the horrible agony of the situation, the screams and indecency, would surely be such as would inflict violent pain on large numbers of ordinary people in the audience. But would they object? They might try to get out. It seems to me that it is a different thing from the case of a book. If I open a book which is all about tortures, I shut it up again; but how can I shut up a theatre?

The word free as applied to the intellect is a frightfully tricky thing. If you mean, is anybody to be free to put anything on the stage that he likes, that is so nonsensical that I imagine that it cannot be discussed for a moment. The Roman amphitheatre, with people butchered in it, would be a mild image of what might happen if the thing were entirely free.

COMMERCIALISM MAKES CENSORSHIP NECESSARY*

Speaking the other day at the book and play luncheon at the Biltmore Hotel, I advocated a censorship in this

* By Cosmo Hamilton. *New York Times.* February 12, 1927.

country similar to that which has been in admirable working order in England for many years. I called Lord Cromer, who, as Lord Chamberlain, has it in his power to grant licenses for play production, an amateur Mussolini, and this description was reported in the *Times*.

Since then I have been inundated with letters and telephone calls from all and sundry connected with the stage, as well as from numerous people who are interested in education, tradition, morale and prohibition. Those who are interested in prohibition and have watched its dire effects with deep concern and horror are very much afraid that the appointment of a censor, whether he shall be a highly intelligent man of incorruptible character, the District Attorney, aided by the police force, or a representative of the Producing Managers' Association and the Dramatists' Guild of America, will bring about another, though minor, form of prohibition at a moment when it has been proved to be a failure and a menace.

So long as the theatre is, for the most part, in the hands of mere commercial men who are not remotely interested in it from the artistic point of view, and so long as there is a large section of the public whose minds are filled with morbid curiosity and who will pay the high prices of theatre tickets in order to gratify a very low desire, censorship is vitally necessary. In no other way will it be possible for the theatre to win back the intelligent portion of the public and the dramatists who refuse to enter the competition for vulgarity and the eager animal appetite of the salacious public.

Like Edward Sothern, Edgar Selwyn and others, I advocate the quiet, orderly, highly intelligent system which has been pursued in England with such marked success. This is the best of all methods, because it puts playwrights on their mettle and managers in a more healthy frame of mind, and does not give the public even the briefest opportunity of wallowing in hog wash. Then, too, it sets a high standard in the theatre and prevents

the loss of time, effort and money which goes with Mr. Banton's system and does away with the interference of the police.

It seems to me that unintelligence should be just as much open to censorship as vulgarity, blasphemy and the presentation of pervertism, and that the man who should be appointed to rescue the theatre from quick decay must be one of impeccable good taste, a wide knowledge of the theatres of other countries, and, in order to be wholly and absolutely impartial, unattached to the theatre, either as a producer, a writer, an actor or an owner of theatres.

The question of censorship has arisen at this moment because the commercial managers have had it clearly proved to them that the majority of the audiences in New York are only to be tempted into the theatres, of which there are far too many, by nastiness, sensation and nudity. It is upon this section of the public, therefore, that the responsibility for another form of prohibition must be placed.

The theatre of today is more greatly challenged by successful rivals than at any time in its history. The motion picture, the radio, the funereal dullness of the theatre itself and the high prices made necessary by increased expenses have diverted the great playgoing public from its old haunts of amusement. The numerous and lamentable failures of this and other seasons have proved definitely that something must be done immediately to prevent its rapid consumption. The work of the Theatre Guild, of Eva Le Gallienne, Walter Hampden and of Winthrop Ames, in his exquisite revivals of the plays of Gilbert and Sullivan, show that there is still a small public eager for good things, and willing to be drawn into the maelstrom of traffic and the difficulties and inconveniences now attaching to theatregoing, when there is something to be seen that is worthy of their attention. The others can perhaps be weaned back in course of time, ed-

ucation and example. If not, they will be missed only by those managers who have deliberately catered to their tastes, and who will presently, it is to be hoped, drop out of the theatre and devote themselves to other and more appropriate methods of making money.

BRIEF EXCERPTS

Broadway was never [before] so full of filthy degrading plays.—*Editorial. Theatre Magazine.* 44:7. August 1926.

Even Suez would blush at some of the plays now being staged in New York.—*Literary Digest.* 79:29. December 22, 1923.

Smut and nudity are on the stage because from the commercial point of view they are what the public wants.—*Outlook.* 135:619. December 12, 1923.

I cannot conceive that there would be many plays killed before their birth by fear of the censor.—*William F. Fladgate. Report of the Joint Select Committee.* p. 56.

I am very strongly for the censorship [of plays in England].—*G. K. Chesterton. Report of the Joint Select Committee.* p. 342.

Artists, working in the sphere of personal ideals, may not be left entirely uncensored, seeing that any poison they emit circulates so rapidly.—*Edward A. Ross. Social Psychology.* p. 133.

It is not less, but more censor, that the theatre needs. The present censor permits what I hope no other censor will permit again. He allows London to be flooded by vulgarity.—*John Semar. Mask.* 2:49. October 1909.

The New York stage is suffering from an attack of sultry plays, put on by managers whose slogan might well be, "Dirt brings in the cash."—*Outlook*. 139:370. March 11, 1925.

You have in America at the present time several plays that are designed solely to appeal to the seamy, morbid side of human nature.—*John Galsworthy. Outlook*. 139:372. March 11, 1925.

I feel that some kind of censorship [of plays] is absolutely necessary. It prevents libidinous plays being produced.—*Sir Herbert Beerbohm Tree. Report of the Joint Select Committee*. p. 151.

I do not think it [the censorship] has inflicted any real injury on the growth of serious drama in England.—*William F. Fladgate. Report of the Joint Select Committee*. p. 56.

I seriously question the motive behind some of our dealings with sexual matters. I believe they are designed solely to give the public what it wants at all costs of truth and decency.—*John Galsworthy. Outlook*. 139:372. March 11, 1925.

Dr. John Haynes Holmes says that nine out of thirty-nine plays now being presented on Broadway are indecent. Evidently many other persons think like him, for the talk persists that a censorship is inevitable.—*Literary Digest*. 72:27. March 25, 1922.

I have known intellectual people myself who would have approved of people appearing on the stage without any clothes, and I think that those, however intellectual, should not have what they want.—*Gilbert K. Chesterton. Report of the Joint Select Committee*. p. 343.

The present form of censorship represents the rough common sense of the great mass of the public. The censor is what we call a plain man, looking at matters in a plain way, as a common jury would look at them.—*A. B. Walkley. Report of the Joint Select Committee.* p. 198.

If we [in England] abolish censorship [of plays] altogether, we shall be dependent on the opinions of the police, and that in New York they have found to be hopeless. Much more obscene plays are produced there than are here [London].—*Cyril Maude. Spectator. London.* 135:261. *August 15, 1925.*

Whether the stage can be kept clean by police interference and legal prosecution is a matter of grave doubt. That this would lead to no result except personal exploitation and endless notoriety, with free advertising for the objectionable play, is a certainty. This has been the result of every previous action of the kind.—*Francis Wilson. Outlook.* 139:370. *March 11, 1925.*

The abolition of the censor [of plays in England] would lead to grave abuses. Managers and authors of a certain type would deliberately put up scandalous plays, relying upon the enormous advertisement which a prosecution would yield, and matters would be worse than ever.—*Ian Hay. Spectator.* 135:261. *August 15, 1925.*

Again and again I give praise that the censor rules over the London stage preventing further vulgarities in the name of art. My only regret is that he is not ten times as strict as he is, that he passes these exhibitions of the nude on the stage, that he lets much that is vulgar pass on the music hall stage.—*Jan Van Holt. Mask.* 4: 44. *July 1911.*

No society can afford to let its members say or publish or exhibit what they please. The ordered sex relation is, perhaps, man's greatest achievement in self-domestication. Common sense forbids that the greed of purveyors of suggestive plays, pictures, or literature be suffered to disturb it.—*Edward A. Ross. Social Psychology.* p. 126.

My view is that the censor [of plays in England] should be retained, that he should have more liberty, that he should not be controlled by an authority who is removable when there is a change of Government, that he should have absolute power, and, in fact, that the Reader of Plays should be entirely independent of any outside influence.—*J. Forbes-Robertson. Report of the Joint Select Committee.* p. 108.

The good standing of a manager [of a theatre] among his colleagues does not seem to be in any wise endangered when he persistently produces obviously indecent, salacious, coarse, and vulgar plays solely for the profit he can make out of them, altho they must know that such conduct tends to bring theatres in general into disrepute and threatens an official censorship.—*William McAdoo. When the Court Takes a Recess.* p. 134.

Perhaps our country, towards which the lower classes of people from all lands have gravitated and are now favoring us with their new generations, is ripe for censorship of some form in the drama. It might serve to hold in check not only the worst element of our greedy managers, but also the most primitive and prurient of our public.—*Francis Wilson. Outlook.* 139:371. March 11, 1925.

Mediocrity plus indecency attracts a considerable audience. Mediocrity pure and simple attracts nobody. Hence the wail about the public's failure to support clean

plays. If a sane censorship could deprive mediocrity of the support of its disreputable ally, and thus make all stupid plays unprofitable, it would prove itself not the enemy but the truest friend of dramatic art.—*Christian Century*. 44:40. January 13, 1927.

Having regard to the very small number of plays which have been killed before their birth (it is almost a negligible quantity) and to the fact that of those some have been published, and the public has had an opportunity of reading them, and has appreciated them at their proper worth, whatever that may be, I do not think that any serious harm has been done to dramatic authors by the existence of the censorship.—*William F. Fladgate. Report of the Joint Select Committee*. p. 63.

The dramatic authors of today have done as well in the presence of the censor as the novelists have without him, and the quality and aim of their work will stand comparison with those of dramatists of other countries. If I thought that the existence of the censorship had the least tendency to sterilize the imagination of our dramatists, I should desire its abolition, but I do not think so.—*George Alexander. Report of the Joint Select Committee*. p. 232, 236.

I am one of a good many ministers who cannot with safety to their own people, and their influence over them, attend the theatre at all, and while not condemning it absolutely, and while not calling all its work bad or demoralizing, I am not able to avoid the conclusion that at least half of the plays which are at present put upon the stage in the great cities are not helpful to the Christian life of those who attend them.—*Charles M. Sheldon. Independent*. 53:618. March 14, 1901.

Abolish the censorship (of plays in England) and the consequence can only be injurious to the theatres at large.

The step would mean immediate and material diminution in the attendance of young people. It would mean a stricter surveillance on the part of their elders, who would very rightly and properly hesitate to take them to a performance to which no authoritative guaranty is furnished.—*Charles Hawtrey. Quoted in McAdoo's book, When the Court Takes a Recess.* p. 148.

An institution like the theatre which refreshes, entertains, and instructs mankind should not be permitted to be brought into disrepute by mercenary officials. If there is anything in it of value to the public, and there seems to be little doubt on this point, it should be conserved and the ravages of those who are exploiting it thru the vulgar presentation of dirty sex problems should be summarily halted.—*Francis Wilson. Outlook.* 139:371. March 11, 1925.

The spoken drama of the present day on the New York stage outrivals Paris for indecency. Some plays are clean, but as to others, producers are riding to a fall. I understand that one playwright and producer lie awake nights thinking up new filthy lines to submit to the members of the cast the next day. These lines are so filthy, I have been told, that members of the cast protest against them.—*Judge Franklin Taylor. New York Times.* January 18, 1925. p. 3.

The claim that dramatic censorship is an unwarrantable interference with the freedom of art is 99 per cent hokum. The producers of the objectionable type of play are, with almost negligible exceptions, interested in no art except that of getting the largest net returns from the box-office. The statement that "this is what the public wants" means simply "this is what I can make the most money out of."—*Christian Century.* 44:39. January 13, 1927.

I have heard it stated that authors are crippled by anticipation of the censorship. I do not think so myself. I myself have written two plays which were almost exclusively concerned with the subject of adultery, and I can frankly say that the thought of the censor never entered into my mind in the composition of them. I was not conscious in the composition of either of these plays of any fear of censorship, and I experienced no difficulty from the censor.—*J. W. Comyns Carr. Report of the Joint Select Committee.* p. 255.

I should say that almost unanimously the Catholic opinion [in England] would be in favor of the retention of the censorship [of plays]. They think that the existence of the censorship is itself a great barrier against indecency on the stage, and they think it would continue to be a barrier even if the censor very rarely exercised his functions, just as a battery of guns during a long war might defend a harbor without even firing a shot.—*John George Snead-Cox. Report of the Joint Select Committee.* p. 304.

The modern theater is disreputable simply because it is in the main corrupt. Men and women of the stage, for the most part, are not persons whose private characters warrant their efforts to exemplify lofty moral conceptions and their intellectual training is not such as to justify their attempts to interpret masterpieces of dramatic literature.—*Guy P. Benton, President of Miami University, in his baccalaureate sermon, June 11, 1911, as printed in the Republican-News, Hamilton, Ohio, June 12, 1911.*

A censorship of plays is of great use and value, and I should deprecate its abolition. It is wanted in the interests of the State, to regulate, and, if necessary, to prevent, the public performance of plays dealing with political questions, whether at home or abroad. It is

wanted in the interests of the public, to deal with blasphemous or indecent plays. In both these cases the damage is done by the performance of the play, and the remedy, whatever it may be, after the performance comes too late.—*George Alexander. Report of the Joint Select Committee p. 230.*

The censor is a blessing; his task a most difficult one which he carries out to the best of his ability. He saves us from the infection of Mr. Shaw's most lurid plays and we are grateful for this. Mr. Shaw, instead of being grateful, instead of learning a lesson thereby and attempting to write a beautiful play on any of the numberless themes at the disposal of a true dramatist, must go out of his way to select themes easily to be handled by a journalist of socialistic tendencies, ugly themes entirely unfit for poets or playwrights of distinction. It is a confession of weakness. It proves that the socialist in Mr. Shaw is stronger than the playwright.—*John Semar. Mask. 2:40. October 1909.*

I am very strongly of the opinion that there should be a censor. The stage of a theatre is not the proper pulpit from which to disseminate doctrine possibly of anarchism, of socialism, and of agnosticism; and it is not the proper platform upon which to discuss questions of adultery and free love, before a mixed audience composed of persons of all ages and both sexes, of all ways of thinking, of all conditions of life and various degrees of education. Control after production of a play would not be adequate. The first night's audience has as great a claim to be protected from outrage as the audiences that follow.—*Sir William S. Gilbert. Report of the Joint Select Committee. p. 190.*

There are certain dramas given yearly which are simply bald pandering to a public which likes salty fare, plays which have no wit, no moral, nothing but sugges-

tiveness of situation, and about which no two minds, even those who love their theatre with a tang, would disagree. Such plays are given a cordial preference by a certain type of producer and have no excuse for being except a nasty appeal to nasty minds, and but one purpose, commercial gain. The cancellation of a license or two would work a startling change and bring relief and satisfaction, not only to the public but to the reputable manager who is constantly being brot into disrepute by his less conscientious fellow-worker.—*Francis Wilson. Outlook.* 139:371. March 11, 1925.

There would be a danger if the censor [of plays in England] were abolished, the greatest danger in the world. There would be no question that we should have riskier plays produced, possibly not in the more important theaters, but in the small theaters, and the tendency would be for more sensational and more risky plays every year till we got to the state that they are on the Continent at the present day, in France, Germany, and Austria, namely, that the great middle classes of the people will not go to the theaters, and consequently the stage suffers. At the present moment we [in England] have the cleanest stage in the world, and the present system [of censorship] works admirably.—*George Edwardes. Report of the Joint Select Committee.* p. 240.

Literature and art are limited by the moral censorship of the New England heritage. Revolt makes itself felt, inevitably, at times, and, little by little, loosens the bonds, widens the limits. One phase of that revolt is now in process; the attempt of the stage to achieve independence of moral restraint, to attain a liberty which is nothing less than license, a freedom which it can interpret into filth. The situation is sufficiently serious in its potentialities to justify an analysis in plain terms. At one period of the present theatrical season one-fifth

of all the dramatic presentments in New York were of dubious character, using the adjective in its most charitable sense. Half a dozen of them were sheer physical brutishness.—*Samuel H. Adams. American Magazine.* 68:41. *May* 1909.

Filth on the stage. No other word will describe it. The theatrical season is just getting under way, and already the standards of ordinary decency and of honest art have been outraged by the mercenary playwright and producer. The success of the "crook play" of former seasons has convinced the traffickers of the theatre that a market exists for stronger meat than they have hitherto ventured to purvey. They have evidently set out to satisfy the demand, and we are now witnessing a competitive struggle in the theatre, tending towards the survival of the nastiest. Under the guise of contributions towards the study of the social evil, plays have been thrown on the stage which are abominable in their intention. It is just a trafficking in filth.—*Nation.* 97:246. *September 11, 1913.*

For the first time the New York theater has sunk to depths of indecency which must be characterized as alien. In years past there has been dirt upon the American stage, but it has been American dirt. It has been foulness which Americans could understand, and while it represented what was lowest in American life, was still human and not beastly. At present shows are on the American stage which are as foreign to America as anything which would be tolerated in Suez. Never before have leading theatrical producers made such a public appeal in prominent theaters to the physical side of sex emotion. What has heretofore been intimate and personal is dragged out in indecent display. It is not American.—*Methodist Board of Temperance, Prohibition, and Public Morals. Literary Digest.* 79:29. *December 22, 1923.*

No one wants the theatre to preach, but can it divorce itself from social responsibility? Managers have run from bedroom scenes to jazzed murder, from the sensational to the morbid, in the hope of finding something that would persuade the New York audience to pay their prices. Dirty cracks that would have closed a theatre in long-skirt days are now the commonplaces of the theatrical dialogue. To seek success by means of cursing and crime and smut and the outrageous, to capitalize forms of vice new to the stage, to raise weekly the danger limit in the hope of outrunning the other smart hounds of the town,—this is reckless (to use no stronger term) and cannot be defended on the ground of free speech or honesty or anything except the need of cash.—*Saturday Review of Literature*. 6:227. October 12, 1929.

The bulk of the people are neither desirous to produce nor to see grossly indecent or discreditable performances, but there are a considerable number of people who are willing to produce them for money, and who are willing to see them. I think that the conduct of these people is restrained, and very successfully restrained, within decent limits by the system of licensing and censorship, and the existing powers of the police would not in themselves provide an alternative remedy, because they are always *ex post facto*; that is to say, the injury is done, the discreditable exhibition has taken place. The fact of prosecution by the police necessarily adds to publicity, and these are matters in which a large bulk of the people in the country take, and very properly take, a very great interest. The prosecution of a theatre for indecent performance, or any other form of misbehavior, or offensively ridiculing statesmen or other public persons, or for libelling or treating private individuals in such a way as would be likely to give rise to a breach of the peace, would make the country ring with it, the newspapers

would be full of it, it would be discussed widely, and, in the opinion of the Home Office, a large amount of harm would necessarily be done before the legal remedy could be made effective.—*Hon. W. P. Byrne, Assistant Under Secretary of State for the Home Department. Report of the Joint Select Committee.* p. 8-9.

The performance of a stage play, open to any one on payment at the door, is a public act, and, like any other public act, it comes properly and necessarily within the cognizance of the State. If the stage play contains elements of offence (to morality, religion, public order, or whatever else the State may desire to protect) then interference with it after public performance would be only partially effectual. Some at least of the offence would have arisen; a scandal would have been created. And the very fact of interference with an offensive play, after performance, would advertise the offence. That is the primary justification for a preventive censorship of stage plays. A second justification, which I think is more important still, is the peculiar nature of the crowd. A crowd is a new entity, differing in mind and will from the individuals who compose it. Another peculiarity is that the intellectual pitch of the crowd is lowered and its emotional pitch is raised. It is peculiarly susceptible to what hypnotists call suggestion. It tends to be irrational, excitable, lacking in self-control. You get innumerable instances of that in history, for example, in the French Revolution, where men in crowds committed horrible excesses which they could not account for afterwards. They were individually peaceful and harmless citizens, and the strange thing that had happened to them was the peculiar, magnetic, contagious influence of the crowd. That peculiar psychology of the crowd which characterizes a theatrical audience as it characterizes any other crowd, makes the effect of a play entirely different when performed from the effect which it would have when

read separately and privately by each individual. To read something obscene may do you as a private individual reader a certain amount of harm; it will do you much more harm if you listen to those indecent words being uttered in the company of some hundreds of other human beings. The thing then becomes a scandal.—*A. B. Walkley. Report of the Joint Select Committee.* p. 197-8.

NEGATIVE DISCUSSION

THE PUBLIC TO BLAME¹

If I am asked to reason from my knowledge and engraft it on the history of the past, I would unhesitatingly declare that the stage is in a much better condition now than it ever was before. The social and moral status of the whole world has undoubtedly improved, and gone hand in hand with scientific and material progress; and permit me to assure you that the stage in this respect has not been idle, but that, to my knowledge, it has in the march of improvement kept pace foot by foot with every social advance.

Even the coarse dramas of the olden time were in keeping with the conditions of the social and literary society that surrounded them. Those plays that appealed to the lowest tastes were not only welcome, but demanded by the Court of Charles. Old Pepys, who lived during this time, says in his diary, "I went last night to see *A Midsummer Night's Dream*. It was a great waste of time, and I hope I shall never again be condemned to see such a poor play. Ah, give me a comedy of Ethelridge, and let us have no more of this dull, vague Shakespeare." It was not, therefore, that there were no good plays, but that the vicious public wanted the bad ones, and while rakes and unprincipled gallants and vile women were the heroes and heroines of the stage, the plays of Shakespeare had been written for a hundred years. Such lovely creatures as Rosalind, Desdemona, Beatrice, Ophelia, Imogene, Portia and Juliet, together with their noble mates, Orlando, Benedict, Hamlet, Romeo, and a host of pure and marvellous

¹ By Joseph Jefferson. From a lecture at Yale University on April 27, 1892. Harper's *Encyclopaedia of United States History*. vol. 5. p. 153-4.

creations, were moulding on the shelves, because the managers had suffered bankruptcy for daring to produce them. Shakespeare says that the actors are "the abstract and brief chroniclers of the times." And so the people insisted that the actors should give them an exhibition of the licentious times rather than the splendid lessons of Shakespeare. As the social world improved in its tastes the drama followed it,—nay, in some instances has led it.

AN INSULT TO PLAYWRIGHTS²

I consider that an irresponsible censorship very heavily handicaps the drama as compared with other branches of literature and art. I think it deters men of letters from writing for the stage. I think it deters them indirectly and also directly. Indirectly, I think—I am sure, in fact—that they regard it as an insult to their good feeling and sense of duty to the public.

An imaginative writer must demand that he should handle his emotions, his feelings, and his thoughts freely, and this arbitrary censorship is always, as it were, saying to an imaginative writer, "You must not freely handle your emotions, you must touch them only with the tips of your fingers." It is a very difficult thing to explain to anyone who is not an imaginative writer, but I think there is no doubt whatever that the censorship does have that indirect effect upon the writing of the creative artist. I think any censorship of a play before production would have precisely the same effect upon me. It is the injustice at the bottom of the censorship which acts as an irritant and a deterrent to men of letters.

There are things which can be written in books which cannot obviously, from the mere fact of the physical differences, be produced on the stage, and I think the matter of form makes all the difference. You cannot lay down any general law on the question. I think this

² By John Galsworthy. Report of the Joint Select Committee on Stage Plays. 1909. p. 127-9.

censorship directly deters men of letters when they come to the choice of a subject. It is my own experience that it has deterred me. It has certainly deterred me from attempting to dramatize a subject which I think should be dramatized and which I think would be perfectly legitimate upon the stage, but I do not intend to attempt to dramatize that subject as long as an arbitrary censorship exists.

I have had many conversations with literary men upon this point during the last two or three years, and have drawn the same conclusion from practically all these conversations, and I have also letters from literary men. I have asked them this question: Would you consider that, besides being a standing insult to your good feeling and sense of duty to the public, an arbitrary censorship tends directly or indirectly to deter men of letters who have other forms in which to express themselves from writing for the stage, that it is at all events one of several deterrent factors? I asked that question of seven of the most leading imaginative artists of the day, and I have received the following replies.

Mr. Thomas Hardy wrote:

All I can say is that something or other—which probably is consciousness of the censor—appears to deter men of letters, who have other channels of communicating with the public, from writing for the stage. As an ounce of experience is worth a ton of theory, I may add that the ballad which I published in the *English Review* for last December, entitled *A Sunday Morning Tragedy*, I wished to produce as a tragic play before I printed the ballad form of it, and I went so far as to shape the scenes, action, etc. But it then occurred to me that the subject—one in which the fear of transgressing convention overrules natural feeling to the extent of bringing dire disaster—an eminently proper and moral subject—would prevent me ever getting it on the boards, so I abandoned it.

Mr. Henry James wrote:

I answer your appeal on the censor question to the best of my small ability. I do consider that the situation made by the Englishman of letters ambitious of writing for the stage has less dignity, thanks to the censor's arbitrary rights upon his work, than that of any other man of letters in Europe, and that this fact may well be, or rather must be, deterrent to men

of any intellectual independence and self-respect. I think this circumstance represents accordingly an impoverishment of our theatre; that it tends to deprive it of intellectual life, of the importance to which a free choice of subjects and illustration directly ministers, and to confine it to the trivial and the puerile. It is difficult to express the depth of dismay and disgust with which an author of books in this country finds it impressed upon him, in passing into the province of the theatre with the view of laboring there, that he has to reckon anxiously with an obscure and irresponsible Mr. So-and-So, who may by law peremptorily demand of him that he shall make his work square, at vital points, with Mr. So-and-So's personal and, intellectually and critically speaking, wholly unauthoritative preferences, prejudices, and ignorances, and that the less original, the less important, and the less interesting it is, and the more vulgar and superficial and futile, the more it is likely so to square. He thus encounters an arrogation of critical authority and the critical veto, with the power to enforce its decisions, that is without a parallel in any other civilized country and which has in this one the effect of relegating the theatre to the position of a mean minor art, and of condemning it to ignoble dependences, poverty, and pusillanimities. We rub our eyes, we writers accustomed to freedom in all other walks, to think that this cause has still to be argued in England.

Mr. H. G. Wells wrote:

The censorship with its quite wanton power of suppression has always been one of the reasons why I haven't ventured into play writing.

Mr. Israel Zangwill wrote:

Yes, I agree with you generally about the censorship, though it is far from being the gravest deterrent factor.

Mr. Arnold Bennett wrote:

Most decidedly the existence of the censorship makes it impossible for me even to think of writing plays on the same plane of realism and thoroness as my novels. It is not a question of subject, it is a question of treatment. Immediately you begin to get near the things that really matter in a play, you begin to think about the censor, and it is all over with your play. That is my experience, and that is why I would not attempt to write a play for the censor at full emotional power. The censor's special timidity about sexual matters is an illusion. He is equally timid about all matters, and in the very nature of his office he must be. I hate to give reasons for my dislike of a dramatic censorship. I regard it as monstrous and grotesque and profoundly insulting, and to condescend to reason against a thing so obviously vicious humiliates me.

Mr. Joseph Conrad wrote:

You know my feelings as to the censorship of plays. I have always looked upon it with indignation. It is an outrage upon the dignity and honesty of the calling. But whether a dramatic author is ever deterred from producing good work by the existence of the censorship, I cannot say. I am certain that he may be shamefully hindered, and that such a situation is intolerable, a disgrace to the tone, to the character of this country's civilization.

I think it is a very remarkable thing that if you review the list of dramatic authors of the past century—I am not speaking of living authors—you will not find a single dramatic author of the same class as, in the realm of fiction, Dickens, Thackeray, Scott, Meredith, Eliot, the Brontes, Jane Austen, Trollope, Gissing, Stevenson, not a single one of the same class; nor in poetry, of the same class as Keats, Wordsworth, Shelley, Byron, Browning, Tennyson, the Rosettis, Swinburne, and Morris; nor in *belles lettres* of the same class as Carlyle, Ruskin, Morris, Pater, Symonds, Stevenson, and Samuel Butler. I do not say that it is all on account of there being a censorship, but I think the fair presumption is that it has a very distinct influence in producing that state of affairs.

Dramatic authors are under a special system which does not exist in the case of any other art. I think the greater resentment recently displayed against the censorship, which is very marked, is because men of letters want to express themselves in a dramatic form at the present time. I think the feeling amongst men of letters is that the dramatic form has a greater chance than it had, but I do not think so long as the censorship exists they will ever be led to abandon other forms for the form of the drama.

It is obvious from these letters and from my own feeling that at the bottom there is a feeling of injustice. I should like to give an illustration. I understand that plays have been censored either for acts likely to lead to international complications, or for gross indecency, or for

blasphemous allusions, or for objectionable personalities. Amongst the plays which have been censored of late years have been Shelley's *Cenci*, Ibsen's *Ghosts*, Maeterlinck's *Monna Vanna*, Brieux's *Maternité* and *Les Trois Filles de M. Dupont*, Shaw's *Mrs. Warren's Profession*, Barker's *Waste*, and Garnett's *The Breaking Point*. These plays have obviously not been censored for creating international complications. They have not been censored for blasphemous allusions. They have not been censored for objectionable personalities. They have, therefore, been censored for gross indecency, and an institution which can thus characterize the work of Shelley, Ibsen, Maeterlinck, Brieux, Shaw, Barker, and Garnett is an institution which inspires in men of letters the sort of feeling that I can only say would be inspired in a soldier if a brother officer had been accused by the authorities of gross indecency without being given a chance to defend himself. I think that the position in which the arbitrary censorship puts authors has been better described by Lord Chesterfield in his speech at the time that Walpole's Act of 1737 was passed. He said:

If poets and players are to be restrained, let them be restrained as other subjects are, by the known laws of the country. If they offend, let them be tried as every Englishman ought to be, by God and their country. Let us not subject them to the arbitrary will and pleasure of any one man. A power lodged in the hands of a single man to judge and determine without limitation, control, or appeal is a sort of power unknown to our laws and inconsistent with our constitutions. It is a higher and more absolute power than we trust even to the King himself. I must, therefore, think we ought not to vest any such power in His Majesty's Lord Chamberlain.

CENSORSHIP OF PLAYS UNDESIRABLE³

I am by profession a playwright. I have been in practice since 1892. I am a member of the Managing Committee of the Society of Authors and of the Dramatic

³ By George Bernard Shaw. *The Rejected Statement*. Published as a preface to *The Shewing-up of Blanco Posnet*. p. 27-54.

Sub-Committee of that body. I have written nineteen plays, some of which have been translated and performed in all European countries except Turkey, Greece and Portugal. They have been performed extensively in America. Three of them have been refused licenses by the Lord Chamberlain. In one case a license has since been granted. The other two are still unlicensed. I have suffered both in pocket and in reputation by the action of the Lord Chamberlain. In other countries I have not come into conflict with the censorship except in Austria, where the production of a comedy of mine was postponed for a year because it alluded to the part taken by Austria in the Servo-Bulgarian war. This comedy was not one of the plays suppressed in England by the Lord Chamberlain. One of the plays so suppressed was prosecuted in America by the police in consequence of an immense crowd of disorderly persons having been attracted to the first performance by the Lord Chamberlain's condemnation of it; but on appeal to a higher court it was decided that the representation was lawful and the intention innocent, since when it has been repeatedly performed.

I am not an ordinary playwright in general practice. I am a specialist in immoral⁴ and heretical plays. My reputation has been gained by my persistent struggle to force the public to reconsider its morals. In particular I regard much current morality as to economic and sexual relations as disastrously wrong; and I regard certain doctrines of the Christian religion as understood in England today with abhorrence. I write plays with the deliberate object of converting the nation to my opinions in these matters. I have no other effectual incentive to write plays, as I am not dependent on the theatre for my livelihood. If I were prevented from producing immoral and heretical plays, I should cease to write for the theatre, and propagate my views from the platform and thru books. I mention these facts to show that I have a

⁴ Mr. Shaw uses the word "immoral" as meaning "non-customary."

special interest in the achievement by my profession of those rights of liberty of speech and conscience which are matters of course in other professions. I object to censorship not merely because the existing form of it grievously injures and hinders me individually, but on public grounds.

In dealing with the question of the censorship, everything depends on the correct use of the word immorality, and a careful discrimination between the powers of a magistrate or judge to administer a code, and those of a censor to please himself.

Whatever is contrary to established manners and customs is immoral. An immoral act or doctrine is not necessarily a sinful one: on the contrary, every advance in thought and conduct is by definition immoral until it has converted the majority. For this reason it is of the most enormous importance that immorality should be protected jealously against the attacks of those who have no standard except the standard of custom, and who regard any attack on custom—that is, on morals—as an attack on society, on religion, and on virtue.

A censor is never intentionally a protector of immorality. He always aims at the protection of morality. Now morality is extremely valuable to society. It imposes conventional conduct on the great mass of persons who are incapable of original ethical judgment, and who would be quite lost if they were not in leading-strings devised by lawgivers, philosophers, prophets, and poets for their guidance. But morality is not dependent on censorship for protection. It is already powerfully fortified by the magistracy and the whole body of law. Blasphemy, indecency, libel, treason, sedition, obscenity, profanity, and all the other evils which a censorship is supposed to avert, are punishable by the civil magistrate with all the severity of vehement prejudice. Morality has not only every engine that lawgivers can devise in full operation for its protection, but also that enor-

mous weight of public opinion enforced by social ostracism which is stronger than all the statutes. A censor pretending to protect morality is like a child pushing the cushions of a railway carriage to give itself the sensation of making the train travel at sixty miles an hour. It is immorality, not morality, that needs protection. It is morality, not immorality, that needs restraint; for morality, with all the dead weight of human inertia and superstition to hang on the back of the pioneer, and all the malice of vulgarity and prejudice to threaten him, is responsible for many persecutions and many martyrdoms.

Persecutions and martyrdoms, however, are trifles compared to the mischief done by censorships in delaying the general march of enlightenment. This can be brot home to us by imagining what would have been the effect of applying to all literature the censorship we still apply to the stage. The works of Linnaeus and the evolutionists of 1790-1830, of Darwin, Wallace, Huxley, Helmholtz, Tyndall, Spencer, Carlyle, Ruskin, and Samuel Butler would not have been published, as they were all immoral and heretical in the very highest degree, and gave pain to many worthy and pious people. They are at present condemned by the Greek and Roman Catholic censorships as unfit for general reading. A censorship of conduct would have been equally disastrous. The disloyalty of Hampden and of Washington; the revolting immorality of Luther in not only marrying when he was a priest, but actually marrying a nun; the heterodoxy of Galileo; the shocking blasphemies and sacrileges of Mohammed against the idols whom he de-throned to make way for his conception of one god; the still more startling blasphemy of Jesus when he declared God to be the son of man and himself to be the son of God, are all examples of shocking immoralities (every immorality shocks somebody), the suppression and extinction of which would have been more disastrous

than the utmost mischief that can be conceived as ensuing from the toleration of vice.

These facts, glaring as they are, are disguised by the promotion of immoralities into moralities which is constantly going on. Christianity and Mohammedanism, once that of and dealt with exactly as anarchism is that of and dealt with today, have become established religions; and fresh immoralities are persecuted in their name. The truth is that the vast majority of persons professing these religions have never been anything but simple moralists. The respectable Englishman who is a Christian because he was born in Clapham would be a Mohammedan for the cognate reason if he had been born in Constantinople. He has never willingly tolerated immorality. He did not adopt any innovation until it had become moral; and then he adopted it, not on its merits, but solely because it had become moral. In doing so he never realized that it had ever been immoral: consequently its early struggles taught him no lessons; and he has opposed the next step in human progress as indignantly as if neither manners, customs, nor that had ever changed since the beginning of the world. Toleration must be imposed on him as a mystic and painful duty by his spiritual and political leaders, or he will condemn the world to stagnation, which is the penalty of an inflexible morality.

This must be done all the more arbitrarily because it is not possible to make the ordinary moral man understand what toleration and liberty really mean. He will accept them verbally with alacrity, even with enthusiasm, because the word toleration has been moralized by eminent Whigs; but what he means by toleration is toleration of doctrines that he considers enlightened, and, by liberty, liberty to do what he considers right: that is, he does not mean toleration or liberty at all; for there is no need to tolerate what appears enlightened or to claim liberty to do what most people consider right. Tolera-

tion and liberty have no sense or use except as toleration of opinions that are considered damnable, and liberty to do what seems wrong. Setting Englishmen free to marry their deceased wife's sisters is not tolerated by the people who approve of it, but by the people who regard it as incestuous. Catholic Emancipation and the admission of Jews to Parliament needed no toleration from Catholics and Jews: the toleration they needed was that of the people who regarded the one measure as a facilitation of idolatry, and the other as a condonation of the crucifixion. Clearly such toleration is not clamored for by the multitude or by the press which reflects its prejudices. It is essentially one of those abnegations of passion and prejudice which the common man submits to because uncommon men whom he respects as wiser than himself assure him that it must be so, or the higher affairs of human destiny will suffer.

Such admission is the more difficult because the arguments against tolerating immorality are the same as the arguments against tolerating murder and theft; and this is why the censor seems to the inconsiderate as obviously desirable a functionary as the police magistrate. But there is this simple and tremendous difference between the cases: that whereas no evil can conceivably result from the total suppression of murder and theft, and all communities prosper in direct proportion to such suppression, the total suppression of immorality, especially in matters of religion and sex, would stop enlightenment, and produce what used to be called a Chinese civilization until the Chinese lately took to immoral courses by permitting railway contractors to desecrate the graves of their ancestors, and their soldiers to wear clothes which indecently revealed the fact that they had legs and waists and even posteriors. At about the same moment a few bold Englishwomen ventured on the immorality of riding astride their horses, a practice that has since established itself so successfully that before another gen-

eration has passed away there may not be a new side-saddle in England or a woman who could use it if there was.

Accordingly, there has risen among wise and farsighted men a perception of the need for setting certain departments of human activity entirely free from legal interference. This has nothing to do with any sympathy these liberators may themselves have with immoral views. A man with the strongest conviction of the Divine ordering of the universe and of the superiority of monarchy to all forms of government may nevertheless quite consistently and conscientiously be ready to lay down his life for the right of every man to advocate Atheism and Republicanism if he believes in them. An attack on morals may turn out to be the salvation of the race. A hundred years ago nobody foresaw that Tom Paine's centenary would be the subject of a laudatory special article in the *Times*; and only a few understood that the persecution of his works and the transportation of men for the felony of reading them was a mischievous mistake. Even less, perhaps, could they have guessed that Proudhon, who became notorious by his essay entitled *What is Property? It is Theft* would have received, on the like occasion and in the same paper, a respectful consideration which nobody would now dream of according to Lord Liverpool or Lord Brougham. Nevertheless there was a mass of evidence to show that such a development was not only possible but fairly probable, and that the risks of suppressing liberty of propaganda were far greater than the risk of Paine's or Proudhon's writings wrecking civilization. Now there was no such evidence in favor of tolerating the cutting of throats and the robbing of tills. No case whatever can be made out for the statement that a nation cannot do without common thieves and homicidal ruffians. But an overwhelming case can be made out for the statement that no nation can prosper or even continue to

exist without heretics and advocates of shockingly immoral doctrines. The Inquisition and the Star Chamber, which were nothing but censorships, made ruthless war on impiety and immorality. The result was once familiar to Englishmen, tho of late years it seems to have been forgotten. It cost England a revolution to get rid of the Star Chamber. Spain did not get rid of the Inquisition, and paid for that omission by becoming a barely third-rate power politically, and intellectually no power at all, in the Europe she had once dominated as the mightiest of the Christian empires.

But the large toleration these considerations dictate has limits. For example, tho we tolerate, and rightly tolerate, the propaganda of Anarchism as a political theory which embraces all that is valuable in the doctrine of Laissez-Faire and the method of Free Trade as well as all that is shocking in the views of Bakounine, we clearly cannot, or at all events will not, tolerate assassination of rulers on the ground that it is "propaganda by deed" or sociological experiment. A play inciting to such an assassination cannot claim the privileges of heresy or immorality, because no case can be made out in support of assassination as an indispensable instrument of progress. Now it happens that we have in the *Julius Caesar* of Shakespeare a play which the Tzar of Russia or the Governor-General of India would hardly care to see performed in their capitals just now. (1909) It is an artistic treasure; but it glorifies a murder which Goethe described as the silliest crime ever committed. It may quite possibly have helped the regicides of 1649 to see themselves, as it certainly helped generations of Whig statesmen to see them, in a heroic light; and it unquestionably vindicates and ennobles a conspirator who assassinated the head of the Roman State not because he abused his position but solely because he occupied it, thus affirming the extreme republican principle that all kings, good or bad, should be killed because kingship

and freedom cannot live together. Under certain circumstances this vindication and ennoblement might act as an incitement to an actual assassination as well as to Plutarchian republicanism; for it is one thing to advocate republicanism or royalism: it is quite another to make a hero of Brutus or Ravaillac, or a heroine of Charlotte Corday. Assassination is the extreme form of censorship; and it seems hard to justify an incitement to it on anti-censorial principles. The very people who would have scouted the notion of prohibiting the performances of *Julius Caesar* at His Majesty's Theatre in London last year, might now entertain very seriously a proposal to exclude Indians from them, and to suppress the play completely in Calcutta and Dublin; for if the assassin of Caesar was a hero, why not the assassin of Lord Frederick Cavendish, Presidents Lincoln and McKinley, and Sir Curzon Wyllie? Here is a strong case for some constitutional means of preventing the performance of a play. True, it is an equally strong case for preventing the circulation of the Bible, which was always in the hands of the regicides; but as the Roman Catholic Church does not hesitate to accept that consequence of the censorial principle, it does not invalidate the argument.

Take another actual case. A modern comedy, *Arms and The Man*, tho not a comedy of politics, is nevertheless so far historical that it reveals the unacknowledged fact that as the Servo-Bulgarian War of 1885 was much more than a struggle between the Servians and Bulgarians, the troops engaged were officered by two European Powers of the first magnitude. In consequence, the performance of the play was for some time forbidden in Vienna, and more recently it gave offence in Rome at a moment when popular feeling was excited as to the relations of Austria with the Balkan States. Now if a comedy so remote from political passion as *Arms and The Man* can, merely because it refers to political facts,

become so inconvenient and inopportune that Foreign Offices take the trouble to have its production postponed, what may not be the effect of what is called a patriotic drama produced at a moment when the balance is quivering between peace and war? Is there not something to be said for a political censorship, if not for a moral one? May not those continental governments who leave the stage practically free in every other respect, be justified by the practical exigencies of the situation?

The answer is that a pamphlet, a newspaper article, or a resolution moved at a political meeting can do all the mischief that a play can, and often more; yet we do not set up a permanent censorship of the press or of political meetings. Any journalist may publish an article, any demagogue may deliver a speech without giving notice to the government or obtaining its license. The risk of such freedom is great; but as it is the price of our political liberty, we think it worth paying. We may abrogate it in emergencies by a Coercion Act, a suspension of the Habeas Corpus Act, or a proclamation of martial law, just as we stop the traffic in a street during a fire, or shoot thieves at sight if they loot after an earthquake. But when the emergency is past, liberty is restored everywhere except in the theatre. The Act of 1843 is a permanent Coercion Act for the theatre, a permanent suspension of the Habeas Corpus Act as far as plays are concerned, a permanent proclamation of martial law with a single official substituted for a court martial. It is, in fact, assumed that actors, playwrights, and theatre managers are dangerous and dissolute characters whose existence creates a chronic state of emergency, and who must be treated as earthquake looters are treated. It is not necessary now to discredit this assumption. It was broken down by the late Sir Henry Irving when he finally shamed the Government into extending to his profession the official recognition enjoyed by the other branches of fine art. Today we have on

the roll of knighthood actors, authors, and managers. The rogue and vagabond theory of the depravity of the theatre is as dead officially as it is in general society; and with it has perished the sole excuse for the Act of 1843 and for the denial to the theatre of the liberties secured, at far greater social risk, to the press and the platform.

There is no question here of giving the theatre any larger liberties than the press and the platform, or of claiming larger powers for Shakespeare to eulogize Brutus than Lord Rosebery has to eulogize Cromwell. The abolition of the censorship does not involve the abolition of the magistrate and of the whole civil and criminal code. On the contrary it would make the theatre more effectually subject to them than it is at present; for once a play now runs the gauntlet of the censorship, it is practically placed above the law. It is almost humiliating to have to demonstrate the essential difference between a censor and a magistrate or a sanitary inspector; but it is impossible to ignore the carelessness with which even distinguished critics of the theatre assume that all the arguments proper to the support of a magistracy and body of jurisprudence apply equally to a censorship.

A magistrate has laws to administer: a censor has nothing but his own opinion. A judge leaves the question of guilt to the jury: the censor is jury and judge as well as lawgiver. A magistrate may be strongly prejudiced against an atheist or an anti-vaccinator, just as a sanitary inspector may have formed a careful opinion that drains are less healthy than cesspools; but the magistrate must allow the atheist to affirm instead of to swear, and must grant the anti-vaccinator an exemption certificate, when their demands are lawfully made; and in cities the inspector must compel the builder to make drains and must prosecute him if he makes cesspools. The law may be only the intolerance of the community;

but it is a defined and limited intolerance. The limitation is sometimes carried so far that a judge cannot inflict the penalty for housebreaking on a burglar who can prove that he found the door open and therefore made only an unlawful entry. On the other hand, it is sometimes so vague, as for example in the case of the American law against obscenity, that it makes the magistrate virtually a censor. But in the main a citizen can ascertain what he may do and what he may not do; and, tho no one knows better than a magistrate that a single ill-conducted family may demoralize a whole street, no magistrate can imprison or otherwise restrain its members on the ground that their immorality may corrupt their neighbors. He can prevent any citizen from carrying certain specified weapons, but not from handling pokers, tableknives, bricks or bottles of corrosive fluid, on the ground that he might use them to commit murder or inflict malicious injury. He has no general power to prevent citizens from selling unhealthy or poisonous substances, or judging for themselves what substances are unhealthy and what are wholesome, what poisonous and what innocuous: what he can do is to prevent anybody who has not a specific qualification from selling certain specified poisons of which a schedule is kept. Nobody is forbidden to sell minerals without a license, but everybody is forbidden to sell silver without a license. When the law has forgotten some atrocious sin, for instance, contracting marriage whilst suffering from contagious disease, the magistrate cannot arrest or punish the wrongdoer, however he may abhor his wickedness. In short, no man is lawfully at the mercy of the magistrate's personal caprice, prejudice, ignorance, superstition, temper, stupidity, resentment, timidity, ambition or private conviction. But a playwright's livelihood, his reputation, and his inspiration and mission are at the personal mercy of the censor. The two do not stand, as the criminal and the judge stand, in the presence of the law that binds

them both equally, and was made by neither of them, but by the deliberative collective wisdom of the community. The only law that affects them is the Act of 1843, which empowers one of them to do absolutely and finally what he likes with the other's work. And when it is remembered that the slave in this case is the man whose profession is that of Eschylus and Euripides, of Shakespeare and Goethe, of Tolstoy and Ibsen, and the master the holder of a party appointment which by the nature of his duties practically excludes the possibility of its acceptance by a serious statesman or great lawyer, it will be seen that the playwrights are justified in reproaching the framers of that Act for having failed not only to appreciate the immense importance of the theatre as a most powerful instrument for teaching the nation how and what to think and feel, but even to conceive that those who make their living by the theatre are normal human beings with the common rights of English citizens. In this extremity of inconsiderateness it is not surprising that they also did not trouble themselves to study the difference between a censor and a magistrate. And it will be found that almost all the people who disinterestedly defend the censor today are defending him on the assumption that there is no constitutional difference between him and any other functionary whose duty it is to restrain crime and disorder.

One further difference remains to be noted. As a magistrate grows old his mind may change or decay; but the law remains the same. The censorship of the theatre fluctuates with every change in the views and character of the man who exercises it. And what this implies can only be appreciated by those who can imagine what the effect on the mind must be of the duty of reading thru every play that is produced in the kingdom, year in and year out.

What may be called the high political case against the censorship as a principle is now complete. The

pleadings are those which have already freed books and pulpits and political platforms in England from censorship, if not from occasional legal persecution. The stage alone remains under a censorship of a grotesquely unsuitable kind. No play can be performed if the Lord Chamberlain happens to disapprove of it. And the Lord Chamberlain's functions have no sort of relationship to dramatic literature. A great judge of literature, a farseeing statesman, a born champion of liberty of conscience and intellectual integrity—say a Milton, a Chesterfield, a Bentham—would be a very bad Lord Chamberlain: so bad, in fact, that his exclusion from such a post may be regarded as decreed by natural law. On the other hand, a good Lord Chamberlain would be a stickler for morals in the narrowest sense, a busy-body, a man to whom a matter of two inches in the length of a gentleman's sword or the absence of a feather from a lady's head-dress would be a graver matter than the Habeas Corpus Act. The Lord Chamberlain, as censor of the theatre, is a direct descendant of the King's Master of the Revels, appointed in 1544 by Henry VIII to keep order among the players and musicians of that day when they performed at Court. This first appearance of the theatrical censor in politics as the whipper-in of the player, with its conception of the player as a rich man's servant hired to amuse him, and, outside professional duties, as a gay, disorderly, anarchic spoilt child, half privileged, half outlawed, probably as much vagabond as actor, is the real foundation of the subjection of the whole profession, actors, managers, authors and all, to the despotic authority of an officer whose business it is to preserve decorum among menials. It must be remembered that it was not until a hundred years later, in the reaction against the Puritans, that a woman could appear on the English stage without being pelted off as the Italian actresses were. The theatrical profession was regarded as a shameless one; and it is only of late years that actresses have at

last succeeded in living down the assumption that actress and prostitute are synonymous terms, and made good their position in respectable society. This makes the survival of the old ostracism in the Act of 1843 intolerably galling; and though it explains the apparently unaccountable absurdity of choosing as censor of dramatic literature an official whose functions and qualifications have nothing whatever to do with literature, it also explains why the present arrangement is not only criticised as an institution, but resented as an insult.

There is another reason, quite unconnected with the susceptibilities of authors, which makes it undesirable that a member of the King's Household should be responsible for the character and tendency of plays. The drama, dealing with all departments of human life, is necessarily political. Recent events have shown—what indeed needed no demonstration—that it is impossible to prevent inferences being made, both at home and abroad, from the action of the Lord Chamberlain. The most talked-about play of the present year (1909), *An Englishman's Home*, has for its main interest an invasion of England by a fictitious power which is understood, as it is meant to be understood, to represent Germany. The lesson taught by the play is the danger of invasion and the need for every English citizen to be a soldier. The Lord Chamberlain licensed this play, but refused to license a parody of it. Shortly afterwards he refused to license another play in which the fear of a German invasion was ridiculed. The German press drew the inevitable inference that the Lord Chamberlain was an anti-German alarmist, and that his opinions were a reflection of those prevailing in St. James's Palace. Immediately after this, the Lord Chamberlain licensed the play. Whether the inference, as far as the Lord Chamberlain was concerned, was justified, is of no consequence. What is important is that it was sure to be made, justly or unjustly, and extended from the Lord Chamberlain to the throne.

There is another objection to the Lord Chamberlain's censorship which affects the author's choice of subjects. Formerly very little heed was given in England to the susceptibilities of foreign courts. For instance, the notion that the Mikado of Japan should be as sacred to the English playwright as he is to the Japanese Lord Chamberlain would have seemed grotesque a generation ago. Now that the maintenance of entente cordiale between nations is one of the most prominent and most useful functions of the crown, the freedom of authors to deal with political subjects, even historically, is seriously threatened by the way in which the censorship makes the King responsible for the contents of every play. One author, the writer of these lines, in fact, has long desired to dramatize the life of Mahomet. But the possibility of a protest from the Turkish Ambassador, or the fear of it, causing the Lord Chamberlain to refuse to license such a play has prevented the play from being written. Now, if the censorship were abolished, nobody but the author could be held responsible for the play. The Turkish Ambassador does not now protest against the publication of Carlyle's essay on the prophet, or of the English translations of the Koran in the prefaces to which Mahomet is criticized as an impostor, or of the older books in which he is reviled as Mahound and classed with the devil himself. But if these publications had to be licensed by the Lord Chamberlain it would be impossible for the King to allow the license to be issued, as he would thereby be made responsible for the opinions expressed. This restriction of the historical drama is an unmixed evil. Great religious leaders are more interesting and more important subjects for the dramatist than great conquerors. It is misfortune that public opinion would not tolerate a dramatization of Mahomet in Constantinople. But to prohibit it here, where public opinion would tolerate it, is an absurdity which, if applied in all directions, would make it impossible for the Queen to receive

a Turkish Ambassador without veiling herself, or the Dean and Chapter of St. Paul's to display a cross on the summit of their Cathedral in a city occupied largely and influentially by Jews. Court etiquette is no doubt an excellent thing for court ceremonies; but to attempt to impose it on the drama is about as sensible as an attempt to make everybody in London wear court dress.

In the above cases the general question of censorship is separated from the question of the present form of it. Everyone who condemns the principle of censorship must also condemn the Lord Chamberlain's control of the drama; but those who approve of the principle do not necessarily approve of the Lord Chamberlain being the censor *ex officio*. They may, however, be entirely opposed to popular liberties, and may conclude from what has been said, not that the stage should be made as free as the church, press, or platform, but that these institutions should be censored as strictly as the stage. It will seem obvious to them that nothing is needed to remove all objections to a censorship except the placing of its powers in better hands.

Now tho the transfer of the censorship to, say, the Lord Chancellor, or the Primate, or a Cabinet Minister, would be much less humiliating to the persons immediately concerned, the inherent vices of the institution would not be appreciably less disastrous. They would even be aggravated, for reasons which do not appear on the surface, and therefore need to be followed with some attention.

It is often said that the public is the real censor. That this is to some extent true is proved by the fact that plays which are licensed and produced in London have to be expurgated for the provinces. This does not mean that the provinces are more straight-laced, but simply that in many provincial towns there is only one theatre for all classes and all tastes, whereas in London there are separate theatres for separate sections

of the playgoers; so that, for example, Sir Herbert Beerbohm Tree can conduct His Majesty's Theatre without the slightest regard to the tastes of the frequenters of the Gaiety Theatre; and Mr. George Edwardes can conduct the Gaiety Theatre without catering in any way for lovers of Shakespeare. Thus the farcical comedy which has scandalized the critics in London by the libertinage of its jests is played to the respectable dress circle on Northampton with these same jests slurred over so as to be imperceptible by even the most prurient spectator. The public, in short, takes care that nobody shall outrage it.

But the public also takes care that nobody shall starve it, or regulate its dramatic diet as a schoolmistress regulates the reading of her pupils. Even when it wishes to be debauched, no censor can—or at least no censor does—stand out against it. If a play is irresistibly amusing, it gets licensed no matter what its moral aspect may be. A brilliant instance is the *Divorcons* of the late Victorien Sardou, which may not have been the naughtiest play of the nineteenth century, but was certainly the very naughtiest that any English manager in his senses would have ventured to produce. Nevertheless, being a very amusing play, it passed the licenser with the exception to a reference to impotence as a ground for divorce which no English actress would have ventured on in any case. Within the last few months a very amusing comedy with a strongly polygamous moral was found irresistible by the Lord Chamberlain. Plenty of fun and a happy ending will get anything licensed, because the public will have it so, and the Examiner of Plays, as the holder of the office testified before the Commission of 1892, page 330, feels with the public and knows that his office could not survive a widespread unpopularity. In short, the support of the mob—that is, of the unreasoning, inorganized, uninstructed mass of popular sentiment—is

indispensable to the censorship as it exists today in England. This is the explanation of the toleration by the Lord Chamberlain of coarse and vicious plays. It is not long since a judge before whom a licensed play came in the course of a lawsuit expressed his scandalized astonishment at the licensing of such a work. Eminent churchmen have made similar protests. In some plays the simulation of criminal assaults on the stage has been carried to a point at which a step further would have involved the interference of the police. Provided the treatment of the theme is gaily or hypocritically popular, and the ending happy, the indulgence of the Lord Chamberlain can be counted on. On the other hand, anything unpleasing and unpopular is rigorously censored. Adultery and prostitution are tolerated and even encouraged to such an extent that plays which do not deal with them are commonly said not to be plays at all. But if any of the unpleasing consequences of adultery and prostitution—for instance, an unsuccessful illegal operation (successful ones are tolerated) or venereal disease—are mentioned, the play is prohibited. This principle of shielding the playgoer from unpleasant reflections is carried so far that when a play was submitted for license in which the relations of a prostitute with all the male characters in the piece was described as immoral, the Examiner of Plays objected to that passage, though he made no objection to the relations themselves. The Lord Chamberlain dare not, in short, attempt to exclude from the stage the tragedies of murder and lust, or the farces of mendacity, adultery, and dissolute gaiety in which the vulgar people delight. But when the same vulgar people are threatened with an unpopular play in which dissoluteness is shown to be no laughing matter, it is prohibited at once amid the vulgar applause, the net result being that vice is made delightful and virtue banned by the very institution which is supported on the understanding that it produces exactly the opposite result.

Now comes the question, Why is our censorship, armed as it is with apparently autocratic powers, so scandalously timid in the face of the mob? Why is it not as autocratic in dealing with playwrights below the average as with those above it? The answer is that its position is really a very weak one. It has no direct coercive forces, no funds to institute prosecutions and recover the legal penalties of defying it, no powers of arrest or imprisonment, in short, none of the guaranties of autocracy. What it can do is to refuse to renew the license of a theatre at which its orders are disobeyed. When it happens that a theatre is about to be demolished, as was the case recently with the Imperial Theatre after it had passed into the hands of the Wesleyan Methodists, unlicensed plays can be performed, technically in private, but really in full publicity, without risk. The prohibited plays of Brieux and Ibsen have been performed in London in this way with complete impunity. But the impunity is not confined to condemned theatres. Not long ago a West End manager allowed a prohibited play to be performed at his theatre, taking his chance of losing his license in consequence. The event proved that the manager was justified in regarding the risk as negligible; for the Lord Chamberlain's remedy—the closing of a popular and well conducted theatre—was far too extreme to be practicable. Unless the play had so outraged public opinion as to make the manager odious and provoke a clamor for his exemplary punishment, the Lord Chamberlain could only have had his revenge at the risk of having his powers abolished as unsupportably tyrannical.

The Lord Chamberlain then has his powers so adjusted that he is tyrannical just where it is important that he should be tolerant, and tolerant just where he could screw up the standard a little by being tryannical. His plea that there are unmentionable depths to which managers and authors would descend if he did not prevent them is disproved by the plain fact that his indul-

gence goes as far as the police, and sometimes farther than the public, will let it. If our judges had so little power there would be no law in England. If our churches had so much, there would be no theatre, no literature, no science, no art, possibly no England. The institution is at once absurdly despotic and abjectly weak.

Clearly a censorship of judges, bishops, or statesmen would not be in this abject condition. It would no doubt make short work of the coarse and vicious pieces which now enjoy the protection of the Lord Chamberlain, or at least of those of them in which the vulgarity and vice are discoverable by merely reading the prompt copy. But it would certainly disappoint the main hope of its advocates; the hope that it would protect and foster the higher drama. It would do nothing of the sort. On the contrary, it would inevitably suppress it more completely than the Lord Chamberlain does, because it would understand it better. The one play of Ibsen's which is prohibited on the English stage, *Ghosts*, is far less subversive than *A Doll's House*. But the Lord Chamberlain does not meddle with such far-reaching matters as the tendency of a play. He refuses to license *Ghosts* exactly as he would refuse to license *Hamlet* if it were submitted to him as a new play. He would license even *Hamlet* if certain alterations were made in it. He would disallow the incestuous relations between the King and Queen. He would probably insist on the substitution of some fictitious country for Denmark in deference to the near relations of our reigning house with that realm. He would certainly make it an absolute condition that the closet scene, in which a son, in an agony of shame and revulsion, reproaches his mother for her relations with his uncle, should be struck out as unbearably horrifying and improper. He would raise no speculative objections to the tendency of the play.

This indifference to the larger issues of a theatrical performance could not be safely predicated of an enlightened censorship. Such a censorship might be more

liberal in its toleration of matters which are only objected to on the ground that they are not usually discussed in general social conversation or in the presence of children; but it would presumably have a far deeper insight to and concern for the real ethical tendency of the play. For instance, had it been in existence during the last quarter of a century, it would have perceived that those plays of Ibsen's which have been licensed without question were fundamentally immoral to an altogether extraordinary degree. Every one of them is a deliberate act of war on society as at present constituted. Religion, marriage, ordinary respectability, are subjected to a destructive exposure and criticism which seems to mere moralists—that is, to persons of no more than average depth of mind—to be diabolical. It is no exaggeration to say that Ibsen gained his overwhelming reputation by undertaking a task of no less magnitude than changing the mind of Europe with the view of changing its morals. Now you cannot license work of that sort without making yourself responsible for it. The Lord Chamberlain accepted the responsibility because he did not understand it or concern himself about it. But what really enlightened and conscientious official dare take such a responsibility? The strength of character and range of vision which make Ibsen capable of it are not to be expected from any official, however eminent. It is true that an enlightened censor might, whilst shrinking even with horror from Ibsen's views, perceive that any nation which suppressed Ibsen would presently find itself falling behind the nations which tolerated him, just as Spain fell behind England; but the proper action to take on such a conviction is the abdication of censorship, not the practice of it. As long as a censor is a censor, he cannot endorse by his license opinions which seem to him dangerously heretical.

We may, therefore, conclude that the more enlightened a censorship is, the worse it would serve us. The Lord Chamberlain, an obviously unenlightened censor,

prohibits *Ghosts* and licenses all the rest of Ibsen's plays. An enlightened censorship would possibly license *Ghosts*: but it would certainly suppress many of the other plays. It would suppress subversiveness as well as what is called bad taste. The Lord Chamberlain prohibits one play by Sophocles because, like *Hamlet*, it mentions the subject of incest; but an enlightened censorship might suppress all the plays of Euripides because Euripides, like Ibsen, was a revolutionary Free-thinker. Under the Lord Chamberlain we can smuggle a good deal of immoral drama and almost as much coarsely vulgar and furtively lascivious drama as we like. Under a college of cardinals, or bishops, or judges, or any other conceivable form of experts in morals, philosophy, religion, or politics, we should get little except stagnant mediocrity.

There is, besides, a crushing material difficulty in the way of an enlightened censorship. It is not too much to say that the work involved would drive a man of any intellectual rank mad. Consider, for example, the Christmas pantomimes. Imagine a judge of the High Court, or an archbishop, or a Cabinet Minister, or an eminent man of letters, earning his living by reading thru the mass of trivial doggerel represented by all the pantomimes which are put into rehearsal simultaneously at the end of every year. The proposal to put such mind-destroying drudgery upon an official of the class implied by the demand for an enlightened censorship falls thru the moment we realize what it implies in practice.

Another material difficulty is that no play can be judged merely by reading the dialogue. To be fully effective a censor should witness the performance. The *mise-en-scene* of a play is as much a part of it as the words spoken on the stage. No censor could possibly object to such a speech as "Might I speak to you for a moment, Miss;" yet that apparently innocent phrase has often been made offensively improper on the stage

by popular low comedians, with the effect of changing the whole character and meaning of the play as understood by the official Examiner. In one of the plays of the present season, the dialogue was that of a crude melodrama dealing in the most conventionally correct manner with the fortunes of a good-hearted and virtuous girl. Its morality was that of the Sunday School. But the principal actress, between two speeches which contained no reference to her actions, changed her underclothing on the stage. It is true that in this case the actress was so much better than her part that she succeeded in turning what was meant as an impropriety into an inoffensive stroke of realism; yet it is none the less clear that stage business of this character on which there can be no check except the actual presence of a censor in the theatre, might convert any dialogue, however innocent, into just the sort of entertainment against which the censor is supposed to protect the public.

It was this practical impossibility that prevented the London County Council from attempting to apply a censorship of the Lord Chamberlain's pattern to the London music halls. A proposal to examine all entertainments before permitting their performance was actually made, and it was abandoned, not in the least as contrary to the liberty of the stage, but because the executive problem of how to do it at once reduced the proposal to absurdity. Even if the Council devoted all its time to witnessing rehearsals of variety performances, and putting each item to a vote, possibly after a prolonged discussion followed by a division, the work would still fall in arrear. No committee could be induced to undertake such a task. The attachment of an inspector of morals to each music hall would have meant an appreciable addition to the ratepayers' burden. In the face of such difficulties the proposal melted away. Had it been pushed thru and the inspectors appointed, each of them would have become a censor, and the whole body of inspectors would have become a *police des*

moeurs. Those who know the history of such police forces on the continent will understand how impossible it would be to procure inspectors whose characters would stand the strain of their opportunities of corruption, both pecuniary and personal, at such salaries as a local authority could be persuaded to offer.

It has been suggested that the present censorship should be supplemented by a board of experts, who should deal, not with the whole mass of plays sent up for license, but only those which the Examiner of Plays refuses to pass. As the number of plays which the Examiner refuses to pass is never great enough to occupy a board in permanent session with regular salaries, and as casual employment is not compatible with public responsibility, this proposal would work out in practice as an addition to the duties of some existing functionary. A Secretary of State would be objectionable as likely to be biased politically. An ecclesiastical referee might be biased against the theatre altogether. A judge in chambers would be the proper authority. This plan would combine the inevitable intolerance of an enlightened censorship with the popular laxity of the Lord Chamberlain. The judge would suppress the pioneers, whilst the Examiner of Plays issued two guinea certificates for the vulgar and vicious plays. For this reason the plan would no doubt be popular, but it would be very much as a relaxation of the administration of the Public Health Acts accompanied by the cheapening of gin would be popular.

On the occasion of a recent deputation of playwrights to the Prime Minister it was suggested that if a censorship be inevitable, provision should be made for an appeal from the Lord Chamberlain in cases of refusal of license. The authors of this suggestion propose that the Lord Chamberlain shall choose one umpire and the author another. The two umpires shall then elect a referee, whose decision shall be final.

This proposal is not likely to be entertain'd by constitutional lawyers. It is a naive offer to accept the method of arbitration in what is essentially a matter, not between one private individual or body and another, but between a public offender and the State. It will presumably be ruled out as a proposal to refer a case of manslaughter to arbitration would be ruled out. But even if it were constitutionally sound, it bears all the marks of that practical inexperience which leads men to believe that arbitration either costs nothing or is at least cheaper than law. Who is to pay for the time of the three arbitrators, presumably men of high professional standing? The author may not be able: the manager may not be willing: neither of them should be called upon to pay for a public service otherwise than their contributions to the revenue. Clearly the State should pay. A license is seldom refused except on grounds which are controversial. The two arbitrators selected by the opposed parties to the controversy are to agree to leave the decision to a third party unanimously chosen by themselves. That is very far from being a simple solution. An attempt to shorten and simplify the passing of the Finance Bill by referring it to an arbitrator chosen unanimously by Mr. Asquith and Mr. Balfour might not improbably cost more and last longer than a civil war. And why should the chosen referee—if he ever succeeded in getting chosen—be assumed to be a safer authority than the Examiner of Plays? He would certainly be a less responsible one: in fact, being (however eminent) a casual person called in to settle a single case, he would be virtually irresponsible. Worse still, he would take all responsibility away from the Lord Chamberlain, who is at least an official of the King's Household and a nominee of the Government. The Lord Chamberlain, with all his shortcomings, thinks twice before he refuses a license, knowing that his refusal is final and may promptly be made public.

But if he could transfer his responsibility to an arbitrator, he would naturally do so whenever he felt the slightest misgiving, or whenever, for diplomatic reasons, the license would come more gracefully from an authority unconnected with the court. These considerations, added to the general objections to the principle of censorship, seem sufficient to put the arbitration expedient quite out of the question.

BRIEF EXCERPTS

The Lord Chamberlain had frightened genius out of the theatre.—*John Palmer. Future of the Theatre.* p. 94.

The only dirty thing to me is the moralist mind.—*George J. Nathan. American Mercury.* 15:120. September 1928.

I think that the censorship [of plays in England] ought to be abolished.—*George Bernard Shaw. Report of the Joint Select Committee.* p. 46.

A healthy-minded community can be trusted to do its own censoring.—*St. John Ervine. Spectator.* 135:262. August 15, 1925.

The censorship [of plays in England] serves to protect indecency and to exclude ideas.—*Israel Zangwill. Report of the Joint Select Committee.* p. 325.

It is very well known that there are any number of plays produced under the present censorship which are not desirable for young girls to see.—*John Galsworthy. Report of the Joint Select Committee.* p. 130.

The Virgin Man, a dull play about to be withdrawn, became a hit overnight when the [New York] police arrested the cast for alleged indecencies in the script.—*Independent.* 118:326. March 26, 1927.

If any distinction is to be drawn between the freedom of the press and the freedom of the stage, probably actual moral harm is more likely to be done by the press than by the stage.—*Gilbert Murray. Report of the Joint Select Committee.* p. 214.

The influence of the theater is much overrated and neither children nor adults have ever rushed out of a playhouse to commit murder after witnessing a performance of *Richard III* or *Othello*.—*Channing Pollock. Current Opinion.* 62:408. June 1917.

Censorship is a perilous thing. We do not want a stage limited to the production of healthy pap for a spoon-fed public. We do not want to limit the priceless privilege of free speech, on or off the satge.—*Independent.* 144:256. March 7, 1925.

I do not consider that the removal of the censorship would in fact cause the production of any more prurient plays; in fact, I think the sexual morality of the stage would, if anything, be improved by the removal of the censorship.—*John Galsworthy. Report of the Joint Select Committee.* p. 132.

The censor keeps serious drama down to the level of his own intelligence (and probably lower, because of timidity) while he does not even pretend to keep the lighter drama up to the level of his own morality.—*William Archer. Report of the Joint Select Committee.* p. 39.

About a year ago a petition against the censorship, and praying to be relieved from the censorship, was signed by nearly every dramatic a thor in England, by every dramatic author, certainly, of any eminence.—*William Archer. Report of the Joint Select Committee.* p. 35.

I think it [the censorship of plays in England] has been entirely ineffective in keeping off the stage plays which are very offensive to the feeling of people who have any at all keen sense of decency or of what is fitting.—*William Archer. Report of the Joint Select Committee.* p. 38.

Censorship of books and plays is one of the most dubious proceedings ever devised by reformers for the protection of the public. It never protects and it usually does little more than draw attention to what would otherwise have gone relatively unknown.—*Independent.* 118:327. March 26, 1927.

The stage has maintained a much higher idealism than characterizes those business and social spheres from which many of its would-be censors come; yes, and a higher idealism than some of the religious bodies maintain.—*Constance Skinner. New York Dramatic Mirror.* 71:4. February 25, 1914.

The censor is a species of anarch. He is not a person administering the law. When you go to the magistrate you have not only shifted the control, but for the first time you have created what is real legal control. You have created law where there was nothing before but the chaos of the censor's mind.—*George Bernard Shaw. Report of the Joint Select Committee.* p. 50-1.

The effect [of the censorship of plays in England] is to depress and to mutilate and actually to keep out of existence—not only to destroy but to keep out of existence—serious plays; because many authors will not write serious plays under the threat of having them destroyed by a single veto of the censor.—*William Archer. Report of the Joint Select Committee.* p. 34.

If our [the English] people are such that they can be corrupted by the press and the play, then the remedy is not to fuss oneself with the symptoms of the disease, but to discover the disease itself and to cure it. The theatre is nearly always at the heels of the people, not in front of them.—*St. John Ervine. Spectator.* 135:262. *August 15, 1925.*

I think it [the censorship] is the last straw that breaks the author's back. Look how unfair it is. One never knows what view the Lord Chamberlain is going to take. No human being can tell what his idea of moral and proper, or immoral and improper, is going to be. A man works six months on a play and never knows till the end whether it will be allowed.—*Jerome K. Jerome. Munsey's Magazine.* 41:123. *April 1909.*

The control [censorship of plays] that now exists [in England] is of the most tyrannical and impossible character. The control that at present exists is one whereby the gentleman [Mr. Redford] whom you have seen here this morning has absolutely at his personal disposal my livelihood and my good name without any law to administer behind him. That, it appears to me, is a control past the very last pitch of despotism.—*George Bernard Shaw. Report of the Joint Select Committee.* p. 47.

A censorship with a power of veto before production is open to grave objections. Secret in its operations, subject to no effective control by public opinion, its effect can hardly fail to be to coerce into conformity with the conventional standards of the day dramatists who are seeking to amend them. These standards are not absolute. It is an axiom underlying all our legislation that only thru the toleration of that which one age thinks to be error can the next age progress further in the pur-

suit of truth.—*Report of the Joint Select Committee.* p. viii-ix.

A censorship would be an irreparable blow to our free, gifted, vigorous native theatre. If the step does become necessary as a last resort to safeguard public decency, the producers will have only themselves to blame. It was the cheaper, irresponsible film maker who brot the censorship upon the industry by exhibiting indecent pictures. The more reckless among the theatre managers are now running the risk of a like censorship by producing dirty plays.—*Editorial. Theatre Magazine.* 44:7. August 1926.

I feel strongly that it [the English censorship of plays] makes our drama a more puerile thing in the life of the nation than it ought to be, and is a stigma on all who write plays. The important objections to abolition are not founded on what is best for the drama, but on the practical difficulties, real or imaginary, of running theatres with such an official to simplify matters for the managers. The better the drama—that is, the more sincere, the more alive—the better for the public, and the drama must make most progress when it is untrammeled.—*J. M. Barrie. Report of the Joint Select Committee.* p. 101.

I do not think that even the most whole-hearted advocates of the censorship can point to one instance in which it or its influence has encouraged the development of English drama within the last twenty-five years. On the other hand, I think that it is quite easily provable that it has indirectly retarded the advancement, and especially the development of the English drama. I regard the extreme narrowness of the field in English drama as being distinctly influenced and brot about by the operation of the censorship. It checks the dramatists in choosing new subjects to treat.—*Granville Barker. Report of the Joint Select Committee.* p. 71.

Other countries have had state censorship [of the theater], notably Great Britain. It has not only failed to prevent the presentation of indecent plays; it has actually banned plays which had a real intellectual interest and dramatic value. The experience of George Bernard Shaw with the muddle-headed bureaucrat who was Britain's censor in the years when Shaw was struggling for recognition is one of the worst indictments of state censorship possible to find. During those years when some of Shaw's plays were forbidden in London, the West End theaters were given up to the silliest and most lascivious types of musical comedy.—*Literary Digest*. 72:27. March 25, 1922.

It seems to me that on principle it [the censorship of plays in England] is totally indefensible and even, I may almost say, absurd. No other art at all is subjected to any restriction like that to which plays are subjected, and I do not see that the special reasons alleged for putting the dramatic art under those restrictions really hold. A play before it can be produced has to be submitted to a certain official, who acts entirely at his own discretion, not in what one may ordinarily call a legal way, who has a sort of absolute executive power of preventing the play being acted, and from whom there is practically no appeal. I think that if you try to suggest the same restriction in the case of any other art, in the case of pictures, for instance, the result is almost grotesque.—*Gilbert Murray. Report of the Joint Select Committee*. p. 214.

The censorship is purely political in origin, and it has, in our opinion, always failed to do what it is intended to do. Of the two acts which define the censor's duties, that of 1843 only made that of 1737 more workable. Sir Robert Walpole was the author of the first act. He was displeased, and indeed scared, by the satires of Fielding and Gay, and he determined to stop

further exposures of his corruption. The story is well known how he had a scurrilous play written specially for him, and showed extracts from it to a scandalized House of Commons, passing it off as Fielding's work. The second act gave the censor power to carry out his will, which the cynically procured first act scarcely did. But the censor has failed, must have failed, and always will fail, to achieve the object of a censorship because he is an irresponsible official exercising a secret and arbitrary power.—*Spectator*. 105:550. October 8, 1910.

The censorship of the English stage is not likely to last much longer in anything like its old form, for it has been so riddled by the protests of practically the entire guild of dramatic authorship that it is obviously crumbling into a ruin. A system that makes it impossible to produce *The Cenci* on an English stage, that creates difficulties in the case of Ibsen, and that has nothing to say about the license of the music halls, the imbecilities of musical comedy, or the viciousness of works that make a jest of everything that is fundamental to morality,—such a system can hardly expect to find serious defenders. If it be not swept away altogether, the substitute devised for it will not continue to put a premium upon the most degrading tendencies of the modern stage, while prohibiting the earnest discussion of vital questions. No regulation at all would be far better than the old legalized hypocrisy, and the police could take care of really flagrant offences against decency.—*Dial*. 48:136. March 1, 1910.

In 1737 the English play was for the first time in our [English] history put in a position of inferiority to every other form of artistic expression. Till 1737 pulpit, press, political platform and play had been neither more nor less free one than the other. Each was progressing towards freedom under the law. Walpole for political reasons in 1737 outlawed the English theatre, and determined that for nearly two centuries it should be at a

disadvantage. Pulpit, press, and platform went the appointed way of development. It was agreed that speech and thought should be free, subject to the right of the State to prosecute for definite offenses. The theatre, on the other hand, was subjected to the capriciousness and undefined control of an official who had neither tradition, principles, nor law to guide or to limit the conduct of his office. The institution of the Lord Chamberlain's censorship of plays is a fitting symbol of the degeneration and dark ages of the English Theatre; of its insensibility to the form and pressure of the time; of its divorce from the spiritual and imaginative life of a hundred and fifty years.—*John Palmer. Future of the Theatre.* p. 93.

Before the production of the play [*Mrs. Warren's Profession*] all of the sensational papers, and some that pretend not to be sensational, used column upon column of their most prominent space to create an unwarranted expectation of something lewd, and after it used those same columns to falsify what actually happened. The denunciations of the play were hysterical and hypocritical in proportion as the papers were yellow and foul. The black-leg even more than the puritan has motives for holding up the public hand of horror. I quote a statement from the front page of the [New York] *Herald*: "The play is an insult to decency because it defends immorality, it glorifies debauchery, it besmirches the sacredness of a clergyman's calling, it pictures children and parents living in calm observance of most unholy relations." One and all the charges are false. Assuming common intelligence on the part of the author, they are intentionally false. That our press, at once the freest in the world and the one that most vilely abuses its freedom, should become an engine to crush the freedom of the stage, is grotesquely comic.—*John Corbin. In Bernard Shaw's The Author's Apology.* p. 6-10.

On general principles most intelligent people have a justified aversion to censorship by police power. The

best copper is usually a ludicrous failure as a critic of the arts. Magistrates who seek to apply the rules of evidence in literary and artistic matters generally add little to the dignity of the law. But the attempt by the New York police to sweep some of the dirt out of Earl Carroll's latest exhibit of nakedness spiced by smoking room wit is one of the exceptions that proves the rule. There's a limit which Earl Carroll does not seem to have learned, even in Atlanta. He appears to be still proud of his ability to parade dirt. He spells dirt "sophistication," but the smell is the same. Unfortunately, this latest episode may help his box office over the poorest months of an unsatisfactory theatrical season. Raids help business, if the results are not too serious. If a few of the chorus girls get moderate fines, Carroll will have the laugh on the law again. Friends of the theater should be hopeful, however, that this persistent debaucher of good manners gets another fumigation period in a cell. It might improve his taste. The usual objections to censorship do not apply to sanitation.—*Editorial. Cleveland Plain Dealer.* July 12, 1930.

The censorship [of plays in England] has failed to carry out its purpose. The advanced dramatists complain of it because, while their plays are prohibited, other plays of far worse tendency are licensed. The friends of the censorship complain of it because the censorship admits of plays which they would not allow their daughters to see. The only people who do not complain, apparently, are those who produce the plays that the other two classes object to. It is not the execution but the theory of the censorship that is impossible. I understand the censorship to be a power exercised for the protection of public morality. By what standard is this power exercised? First, by the standard of the prevailing code of morality; next, by the standard of the accepted view of the function of the theatre. The morality of the present day is not the morality of yesterday; consequently, the censorship, if it is to be logical in its

operation, should forbid the plays of yesterday whenever they trespass upon the morality of today. But it does not do so. And why does it not do so? Because it assumes that it has no right, that is to say, that the plays of the past have already been licensed. I take this to be somewhat of an evasion. But even if it could be proved that the plays of the past have been licensed in their own day, being in harmony with the morality of their own age, I think that the license should be withdrawn if their morality is found to be opposed to the morality of our own time. Surely this is the only logical operation of the theory of the censorship. I think it would lead to the conclusion that the censorship, being an illogical thing, ought to be abolished altogether. I hold that there is scarcely an English drama over one hundred years old that could stand up for five minutes against the theory of the censorship as it is at present administered. Judged by the standard of morality which the censorship imposes on living dramatists, Shakespeare is nothing better than a chartered libertine.

—*Hall Caine. Report of the Joint Select Committee.*
p. 307.

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